



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA**

ROSE ROOM

CREEKMORE PARK COMMUNITY CENTER

5:30 P.M.

MARCH 14, 2017

I. ROLL CALL

II. APPROVAL OF MINUTES FROM FEBRUARY 14, 2017

III. STAFF COMMENTS AND PROCEDURES

1. Unified Development Ordinance Amendment (Appendix A – Land Use Matrix – Animal Shelter permitted in Commercial-4 and Commercial-5 zones)
2. Rezoning #4-3-17; A request by Leo Anhalt, agent for Saint Scholastica Academy, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District (PZD) by Classification located at 1315 South Albert Pike Avenue.
3. A request by Ron Brixey, agent for Johnny Nguyen and Chau Do, for development plan approval for a multifamily development located at 6901 Wells Lake Road.
4. C.U. #3-2-17; A request by Hoa Tran for a conditional use for a convention/events center located at 4000 North "O" Street.
5. C.U. #5-3-17; A request by Chris Owens, agent for J. Max Van Hoose, Harp's Food Stores, Inc., for a conditional use for a mobile food court (2 vendors only) located at 3401 South 74th Street.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

6. Variance #8-3-17; A request by Mary McGetrick, agent for ERC Properties, for a variance from 32 square feet to 76.3 square feet and from 12 square feet to 91 square feet maximum size of a sign located at 8101 McClure Drive.

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 14, 2017**

On roll call, the following Commissioners were present: Talicia Richardson, Bob Cooper, Jr., Sarah Howe, Rett Howard, Vicki Newton, Don Keesee and Marshall Sharpe. Commissioner Josh Carson was absent. Commissioner Joshua Kilgore resigned his position on the Planning Commission.

Chairman Sharpe then called for the vote on the January 10, 2017, Planning Commission meeting. Motion was made by Commissioner Cooper, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Arkansas Colleges of Health Education Master Plan

Mr. Wally Bailey noted that when the Planning Commission and Board of Directors reviewed and approved the Planned Zoning District, the master plan was not finished and, therefore, the Planned Zoning District and Ordinance No. 51-16 indicated that the final plan would be submitted for final approval. Mr. Bailey stated that the master plan has been vetted with the City of Fort Smith and Chaffee Crossing staff and additionally, input from the community was provided.

No one was present to speak in opposition to this Master Plan.

Chairman Sharpe then called for the vote on the Master Plan. The vote was 7 in favor and 0 opposed.

2. Rezoning #2-2-17; A request by Mitchell Minnick for a zone change from Residential Multifamily Medium Density (RM-3) to Residential Single Family Rowhouse and Zero Lot Line (RS-5) by Classification located at 3716 Newlon Road.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to allow for the construction of (14) 3 bedroom dwelling units (10) 2 bedroom townhouses and (36) 3 bedroom townhouses.

Ms. Andrews noted that a neighborhood meeting was held on Wednesday, February 1, 2017, at the Fort Smith Housing Authority located at 2100 North 31st Street with six neighboring property owners and two representatives of OK Foods attending the meeting. She stated that OK Foods had concerns relative to the existing sanitary sewer capacity and water quality sampling on the company's property. Other comments that were noted included concerns relative to the need for more affordable housing in Fort Smith, concerns about the development's condition in future years, concerns about the proposed rowhouses and impacts on Morrison Elementary School.

Mr. Mitch Minnick was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. Motion was made seconded and carried to amend this request to make approval subject to the following:

- Construction must comply with the submitted concept/development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All development must comply with the regulations for Row House and Zero Lot Line development. Conventional single family development must comply with the RS-4 zoning district requirements.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Richardson).

3. **A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for an amendment to the Master Land Use Plan from Residential Attached/General Commercial to General Commercial located at 3625 South 91st Street. (companion item to item #4)**
4. **A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District by Classification located at 3625 South 91st Street. (companion item to item #3)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the construction of a 9,500 square foot rock climbing business with 54 parking spaces.

Mr. Ron Brixey was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

Chairman Sharpe then called for the vote on these items.

- 3. A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for an amendment to the Master Land Use Plan from Residential Attached/General Commercial to General Commercial located at 3625 South 91st Street. (companion item to item #4)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

- 4. A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District by Classification located at 3625 South 91st Street.**

Chairman Sharpe called for the vote on the rezoning request. The rezoning request was approved by a vote of 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

These requests were approved subject to the revised land use matrix that removed outdoor amusement center and mini-storage.

- 5. UDO Amendment to allow a pharmacy or drugstore in Industrial zones.**

Mr. Bailey stated that a request by Mr. Storm Nolan had been made for the Planning Commission to consider an amendment to the UDO, Land Use Matrix, Appendix A to add retail pharmacies as a permitted use in the Industrial zoning classifications. Mr. Bailey noted that making this change would facilitate the placement of a medical marijuana cultivation facility as defined in the Arkansas Medical Marijuana Amendment in Industrial zones.

Mr. Bailey stated that the Arkansas Medical Marijuana Amendment (AMMA) states the following:

“This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries or cultivation facilities, provided that those zoning regulations are the same as those for a licensed retail pharmacy.”

Mr. Bailey noted that staff is in agreement that cultivation facilities belong in an Industrial zone and based on the AMMA, the way to allow that to happen is to allow pharmacies in Industrial zones.

Storm Nolan was present on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe called for the vote on the UDO amendment request. The vote was 7 in favor and 0 opposed.

6. Conditional Use #3-2-17; A request by Hoa Tran for a conditional use for a convention/events center located at 4000 North “O” Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for one of the empty suites to be rented and utilized as a convention/event center to hold birthday parties, weddings and other special events. It was also noted that no site changes are being proposed.

Mr. Hoa Tran was present to speak on behalf of this request.

The following persons spoke in opposition to this request citing their concerns relative to noise, alcohol and trash: Ms. Janie Lewis, 1442 North 39th Street, Ms. Carolyn Greene, 1450 North 40th Street, Doug Skokos, Debra Gechter, Robert Bowen and David Harris.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. The vote was 3 in favor (Cooper, Sharpe, Keesee) and 4 opposed.

7. Conditional Use #4-2-17; A request by Julio Aldana, agent for Vasiliki Investments, for a conditional use for a church located at 2716 Towson Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow the applicable to utilize the existing building as a church.

Mr. Julio Aldana was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the conditional use request. Motion was made, seconded and carried to amend this request to make approval subject to the occupancy limitation of 48 persons unless additional parking is secured. Chairman

Sharpe then called for the vote on this request as amended. The vote was 7 in favor and 0 opposed.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

8. Variance #7-2-17; A request by Steven Beam for the following variances located at 7201 South 28th Street:

- 1) From 20 feet to 5 feet interior side yard setback**
- 2) From 20 feet to 0 feet rear yard setback**
- 3) From 20 feet to 10 feet interior side yard setback**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the owner to construct two metal buildings/pole barns to protect construction equipment from the weather. It was noted that each building would consist of a 4,800 square foot metal panel building. Ms. Andrews stated that the setback variances are to accommodate truck and trailer maneuverability and location of existing site improvements.

Mr. Steven Beam was present to speak on behalf of this request.

Mr. David Harris was present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the variance requests. Motion was made, seconded and carried to amend this request to make approval subject to construction being in compliance with the submitted development plan. Any changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO with any changes greater than those described in this section will require Planning Commission approval.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

9. Variance #5-2-17; A request by Tim Risley, agent for Didion Enterprises, for a variance for driveway separation from 2 existing driveways from 200 feet to 182 feet located at 4731 Zero Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow a shared driveway to be located within 182 feet from two existing adjacent driveways (one to the east and one to the west). Ms. Andrews stated that the proposed driveway would facilitate the development of a tool and equipment sales and warehouse facility for the Darragh Company. It was noted that the site would have a

shed located at the rear of the structure and 19 parking spaces with a truck dock and turn around.

Mr. Steven Beam was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to construction being in compliance with the submitted development plan with the variance being approved for the separation between the proposed driveway and the existing driveways on either side of the proposed driveway.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 5 in favor, 0 opposed and 2 abstentions (Cooper, Howard).

10. Variance #6-2-17; A request by George Parvu for a variance from 5.0 feet to 1.6 feet interior side yard setback located at 3220 Russell Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow for an existing accessory building that was constructed without a building permit to have an interior side yard setback of 1.6 feet.

Mr. George Parvu was present to speak on behalf of this request.

Mr. David Harris was present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to construction being in compliance with the submitted development plan. Any changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO with any changes greater than those described in this section requiring Planning Commission approval.

Chairman Sharpe called for the vote on this variance request as amended. The vote was 7 in favor and 0 opposed.

11. Mobile Food Truck Lottery

Mr. Bailey stated that there were no lottery applications from mobile food vendors to vend from the parking spaces adjacent to Cisterna Park. Therefore, a lottery drawing did not occur.

Meeting Adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: March 10, 2017

Re: Unified Development Ordinance Amendment – Animal Shelter

At this time, an *animal shelter* is only permitted in the Industrial zoning districts. The code defines *animal shelter* as a public or private facility, including outside runs for enclosure of animals. Staff is proposing to add *animal shelter* as a permitted use in the Commercial-4 and Commercial-5 zoning districts. The Sebastian County Humane Society located on Kelley Highway is in a Commercial-4 zone. This amendment would allow them to make necessary upgrades or additions to their facility. Additionally, similar land uses such as *animal and pet services (outdoor)* or *veterinary clinic (with outdoor kennels)* are permitted by right in the Commercial-5 zone.

We recommend the Planning Commission approve this proposed amendment and recommend to the Board of Directors that they amend the UDO.

Please let us know if you have any questions.

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Appendix A

		Districts																			
		Permitted Use, C = Conditional Use, A = Accessory Use																			
		Bail bonds office										RE3									
		Barber shop/salon/spa/massage services										RE1									
		Laundry (commercial/industrial)										RS-1									
		Laundry and cleaning facilities (self-service)										RS-2									
		Laundry, cleaner										RS-3									
		Laundry, cleaner (drop-off station)										RS-4									
		Photocopy shop										RS-5									
		Photography studio										RSD-2									
		Print shop										RSD-3									
		Shoe repair shop										RSD-4									
		Tailor shop										RM-2									
		Tanning salons										RM-3									
		Tattoo/body piercing parlor										RM-4									
		Weight loss centers										RMD									
		Pet and animal services										RH									
		Animal and pet services (indoor)										T									
		Animal and pet services (outdoor)										C-1									
		Animal shelter										C-2									
		Equestrian facilities										C-3									
		Kennels										C-4									
		Pet cemetery										C-5									
		Pet shop										C-6									
		Pet supply store										I-1									
		Veterinary clinic (no outdoor kennels)										I-2									
		Veterinary clinic (with outdoor kennels)										I-3									
		Automobile Parking Facilities										I-4									
		Parking garage																			
		Parking lot (commercial)																			
		Parking lot (off site) (See Section 27-601-11)																			
		Manufacturing and Wholesale Trade																			
		Food, Textiles and Related Products																			
		Animal food processing																			
		Clothing manufacturing																			
		Food and beverage processing																			
		Leather and allied products																			
		Textiles																			
		Tobacco manufacturing																			
		Wood, Paper and Printing Products																			
		Cabinet and woodwork shop																			
		Furniture or home furnishings																			
		Manufacturing, boxes/containers/corrugated																			
		Manufacturing, packaging material																			
		Paper and printing materials																			

1B

Memo

To: City Planning Commission

From: Planning Staff

Date: February 23, 2017

Re: Rezoning #4-3-17 - A request by Leo Anhalt, SSi, Inc, agent for Saint Scholastica Academy, for Planning Commission consideration of a zone request from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District (PZD) by classification located at 1315 South Albert Pike Avenue

PROPOSED ZONING

Approval of the zoning will permit the construction of a 31,000 s.f., one-story monastery with associated parking and landscaping.

LOT LOCATION AND SIZE

The subject property is on the east side of South Albert Pike Avenue between Rogers Avenue and Free Ferry Road. The tract contains an area of 6.13 acres with approximately 330 feet of street frontage along South Albert Pike.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned RSD-2 and is developed as the existing St. Scholastica Monastery.

The area to the east is zoned Planned Zoning District and is undeveloped.

The area to the south is zoned RSD-2 and is undeveloped.

The areas to the west are zoned RSD-2 and RM-3 and developed as a single family residence and a bed and breakfast.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South Albert Pike as a Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided?
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation?
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety?
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features?
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies?
- F. The required right-of-way dedication has been identified by the City Engineering Department?
- G. All easements and utilities shall meet the requirements of the approving departments and agencies?
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size.
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.)

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The plans indicate that all ingress and egress will occur at an existing driveway on South Albert Pike.

Right-of-way dedication – No new R.O.W. dedication is shown. A plat of the property is within the information for the PZD.

Drainage – A storm water detention pond is proposed off-site north of Trinity Junior High.

Landscaping & Screening – Perimeter/parking lot screening has been installed on the north side of the driveway and complies with the UDO perimeter/parking lot screening requirements. The

2C

applicant will be required to submit plans indicating compliance with the perimeter landscaping along the south side of the driveway approach.

Parking – The parking space number exceeds the UDO requirements.

Signage – The PZD booklet indicates that all proposed signs will comply with the signage requirements for the Transitional Zoning District.

Sidewalks – A public sidewalk exists in front of the subject property.

Lighting – The PZD Booklet states that the monastery project will comply with UDO – Section 27-602-5 Commercial and Outdoor Lighting requirements.

Dumpster – A screened dumpster is proposed on the south side of the entrance drive. The dumpster shall be fully screened from adjacent properties and street right-of-way.

Building Architectural Elements – The proposed monastery is an approximate 31,000 s.f., one-story brick building with a shingled roof. Other exterior features include a covered driveway entrance and pavilion.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held Monday, March 6, 6:00 p.m. at St. Scholastica. Two surrounding property owners attended the meeting. There were no objections to the proposal. A copy of the attendance record and meeting summary are enclosed.

STAFF COMMENTS AND RECOMMENDATIONS

Final detailed construction plans must be submitted for review and approval for compliance to all City development codes.

The PZD project booklet and the application appear to be in compliance with the criteria required by the UDO.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See attached Exhibit A

2. Address of property: 1315 South Albert Pike Avenue
Residential Single Family-Duplex
3. The above described property is now zoned: Low/Medium Density (RSD-Z)
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?
Proposed Monastery

Signed:

Leo Anhalt, SSI, Inc.
Owner or Agent Name
(please print)

Owner

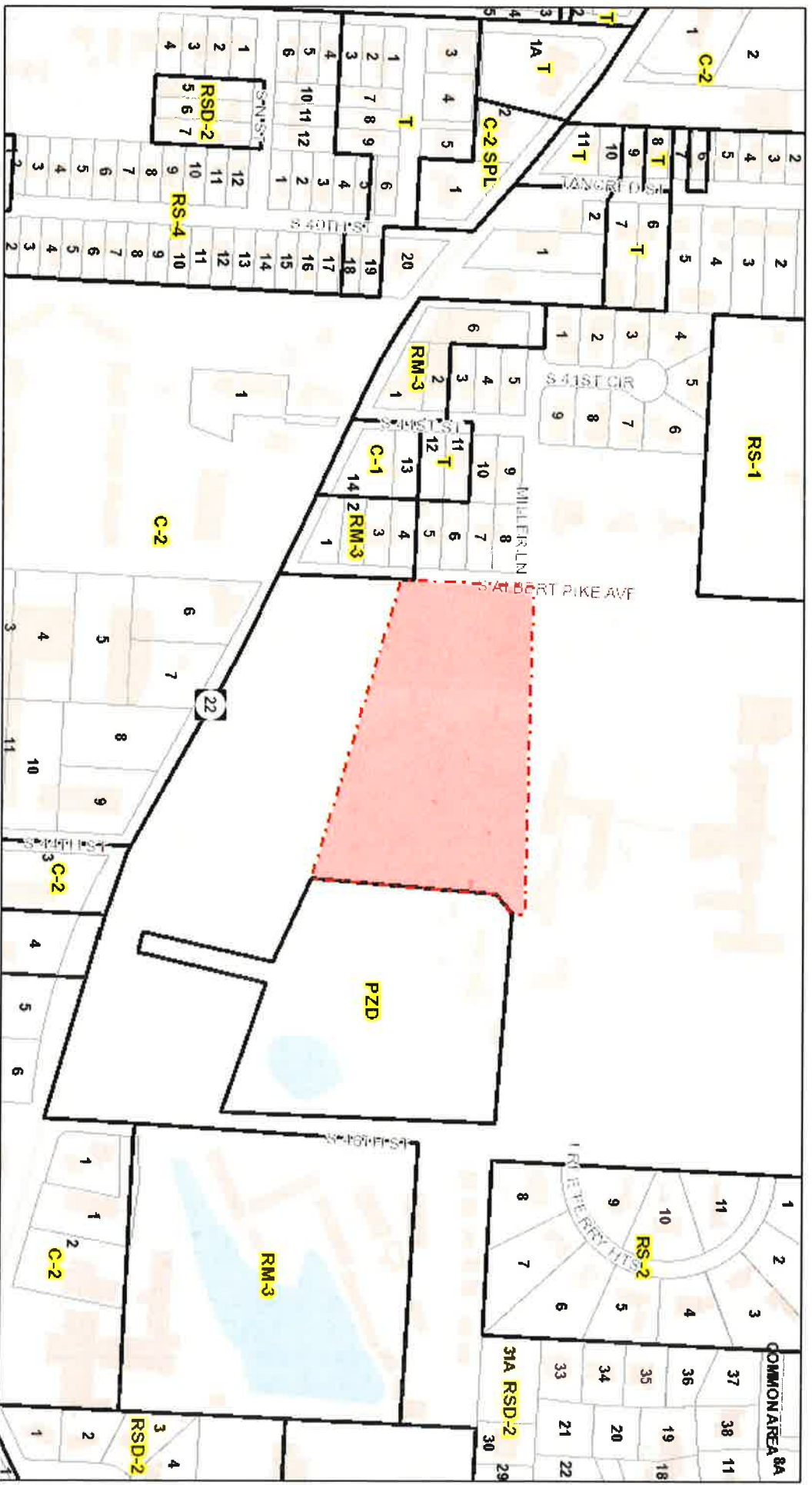
2817 Yuma, Fort Smith, AR 72901
Owner or Agent Mailing Address

or
Leo Anhalt
Agent

(479) 646-2901
Owner or Agent Phone Number

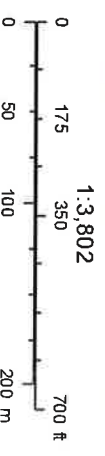
Rezoning #4-3-17: From Residential Single Family-Duplex Low/Medium Density (RSD-2) to PZD 1315 South Albert Pike Avenue

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February 20, 2017

- ☒ Fort Smith City Limits
- ☒ Zoning
- ☒ Subdivisions
- ☒ Building Footprints
- ☒ Parks



South 46th Street

Legend

Trinity Jr. High School

Single Family

Single Family

Single Family

Donut Shop

Bed & Breakfast

Existing Monastery

Proposed Monastery

Single Family

Apartments

Shopping Center

Bank

Greenpoint Shopping Center

Braum's

Shopping Center

Convenience Store

Google earth

© 2016 Google



1000 ft



Saint Scholastica Monastery - Neighborhood Meeting Minutes

Project Name: Saint Scholastica Monastery
Project Number: 2014109
Meeting Location: St. Scholastica Dining Hall, Fort Smith, AR
Meeting Date/Time: 6:00 pm, March 6, 2017
Meeting Notes Prepared By: Mr. Kyle Salyer, P.E., P.S. *gks*
Attendees: Refer to the enclosed Attendance List

1. Introduction:

- a. Sister Maria with Saint Scholastica (Owner) opened the meeting welcoming the group in attendance and introduced Mr. Leo Anhalt the President of SSI, Inc. (Contractor) as well as the project design team members, Mr. Mark Loibner, AIA (Project Architect) and Mr. Kyle Salyer, P.E., P.S. (Project Engineer & Surveyor). Mr. Leo Anhalt with SSI, Inc. (Contractor) was given the floor and explained an overview of the project and the Owners intent to develop a new monastery on the campus just south of the existing monastery. The new monastery will front South Albert Pike. It was stated that the new facility would include 26 bedrooms, a chapel, dining room, events room, community room, library, and several offices. He also explained that the existing monastery would no longer be in use once the Sisters transfer into the new monastery. Mr. Anhalt turned over the presentation to Mr. Kyle Salyer and Mr. Mark Loibner to discuss the Planned Zoning District application process and the engineering and architectural related design elements respectively.

2. Neighbor Comments/Questions:

- a. The meeting was concluded with Contractor and Design Team offering to answer any questions that the neighbors or Sisters in attendance may have. The only neighbors in attendance were Mr. and Mrs. Brewer who live at 1310 South Albert Pike. Mr. Brewer's indicated that he was very happy to see that the color scheme of the proposed monastery is being designed to match the exterior of the existing monastery. He was also interested in knowing the layout and orientation of the entry drive and dumpster enclosure since his home is across the Albert Pike from the entry drive. Mr. Loibner assured Mr. Brewer that the dumpster would be enclosed with similar architectural elements as the building with a matching masonry wall.

Enclosure: Attendance List

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ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 1301 South Albert Pike Avenue

Meeting Time & Date 6:00 p.m., Monday, March 6, 2017

Meeting Purpose 1315 South Albert Pike Avenue

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>KYUE SALYER, P.E., P.S.</u>	<u>HAWKINS-WEIR ENGINEERS 110 SOUTH 7TH, VAN BUREN, AR</u>	<u>474-1227</u>
2.	<u>MARK LOIBNER</u>	<u>1601 CR 2510, LAMAR, AR</u>	<u>650-5212</u>
3.	<u>S. Madeline Bariala</u>	<u>P.O. Box 3489 Ft. Smith AR</u>	<u>739-7786</u>
4.	<u>S. Leon M. Selig</u>	<u>P.O. Box 3489 Ft. Smith AR</u>	<u>783-4147</u>
5.	<u>S. Alice O'Brien</u>	<u>P.O. Box 3439, Ft. Smith, AR</u>	<u>783-4147</u>
6.	<u>S. Rose Maria Birkenfeld</u>	<u>P.O. Box 3439, Ft. Smith, AR</u>	<u>783-4147</u>
7.	<u>S. Audrey Becker</u>	<u>P.O. Box 3489 Ft. Smith AR</u>	<u>783-4147</u>
8.	<u>S. Regina Schroeder</u>	<u>P.O. Box 3489 Ft. Smith AR</u>	<u>783-4147</u>
9.	<u>S. Barbara Schroeder</u>	<u>P.O. Box 3489 Ft. Smith AR</u>	<u>783-4147</u>
10.	<u>Ami & Darren Brewer</u>	<u>1310 S. Albert Pike Ft. Smith AR</u>	<u>72903</u>
11.	<u>S. Stephanie Schroeder</u>	<u>1301 S. Albert Pike Ft. Smith, AR</u>	<u>783-4147</u>

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

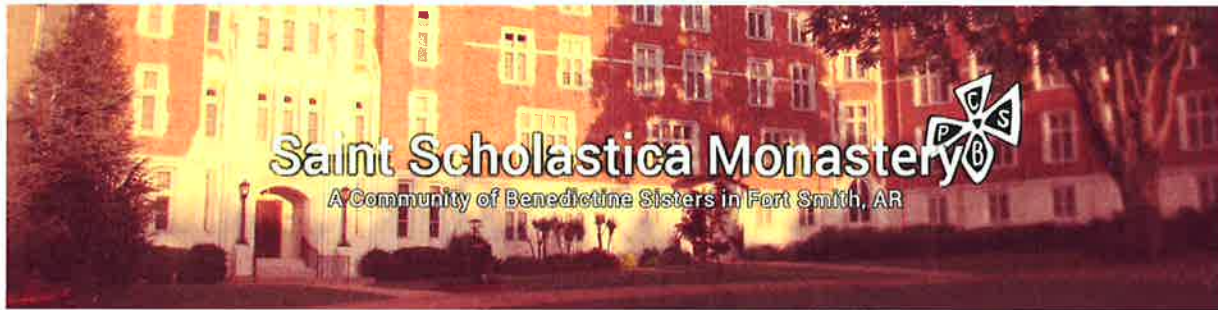
List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 1301 South Albert Pike Avenue

Meeting Time & Date 6:00 p.m., Monday, March 6, 2017

Meeting Purpose 1315 South Albert Pike Avenue

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
12.	<u>Dr. Cecilia Bickell</u>	<u>P.O. Box 3489</u> <u>Fort Smith</u>	<u>783-4147</u>
13.	<u>Sr. Ethel Marie Sonnier</u>	<u>"</u>	<u>"</u>
14.	<u>Carl Meunier</u>		
15.	<u>Sr. Elizabeth Rossi</u>		
16.	<u>Sr. Elise Forst</u>		
17.	<u>Sr. Maria DeAngeli</u>		
18.	<u>S Barbara Beck</u>		
19.	<u>Sr. Rachel Dietz</u>		
20.	<u>Kimberly Pineda</u>		
21.	<u>Sr. Adrian Hewers</u>		
22.	<u>Sr. Rosalie Ruesswold</u>		
23.	<u>Sr. Jo Ann Sandoz</u>		
24.	<u>Sister Rose Chavira</u>		
25.	<u>Sr. Judith Immenman</u>		
26.	<u>Sr. Madeline Clifton</u>		
27.	<u>Brenda Angus</u>	<u>Fort Smith Flannery</u>	
28.	<u>Sr. Dolores Vincent Bauer</u>	<u>Dept</u>	<u>784-2216</u>
29.	<u>Sr. Michaela Marie Roucaud</u>		



PLANNED SAINT SCHOLASTICA MONASTERY
1315 SOUTH ALBERT PIKE AVENUE
PLANNED ZONING DISTRICT NO. (TO BE ASSIGNED)

PROJECT BOOKLET

HWEI PROJECT No. 2014109

FEBRUARY 2017

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- VI. Final Plat
- VII. Architect's Building Rendering
- VIII. Architect's Site Plan
- IX. Architect's Overall Floor Plan
- X. Building Elevations
- XI. Landscaping Plan
- XII. Landscape Planting List
- XIII. Building Material Color List
- XIV. Chart F
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- XVI. Traffic Statement Wavier Request

PLANNED ZONING DISTRICT
CERTIFICATION STATEMENT

Saint Scholastica, property owner of Saint Scholastica, Lot 1, also known as 1315 South Albert Pike Avenue, do hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance.

I hereby agree to the terms and conditions within the Project Booklet, and I therefore request the City of Fort Smith to approve the rezoning.

Leo Anhalt

Signature

02-17-17

Date

PROJECT BOOKLET
SAINT SCHOLASTICA MONASTERY
1315 SOUTH ALBERT PIKE AVENUE
PLANNED ZONING DISTRICT # NO. (TO BE ASSIGNED)

THE PROPOSED PLANNED ZONING DISTRICT (PZD) FOR THE PROPERTY LOCATED AT SAINT SCHOLASTICA, LOT 1 ALSO KNOWN AS 1315 SOUTH ALBERT PIKE AVENUE WILL BE PERMITTED TO UTILIZE ONLY THE PERMITTED USES AS SHOWN IN THE ATTACHED FORT SMITH USE MATRIX AS DEFINED IN THE PROJECT BOOKLET HEREIN.

SAINT SCHOLASTICA MONASTERY – PLANNED ZONING DISTRICT

Response to 27-341-2 Submission Requirements

1315 South Albert Pike Avenue, Fort Smith, AR

February 2017

1. The pre-application conference was held February 14, 2017. In attendance were:
Kyle Salyer, P.E., P.S. – Project Civil Engineer and Surveyor
Mark Loibner, AIA – Project Architect
Leo Anhalt – Developer Representative
Wally Bailey and Brenda Andrews with the City Planning Department
Don Chavis with the Fort Smith Engineering Department
Marc Stoufer with the Fort Smith Street Department
Bryan Baumgartner and Dustin Starr with the Fort Smith Utility Department
Steve Almond and Jimmie Deer with Fort Smith Building Department
Sister Maria DeAngeli & Sister Kimberly Prohaska with St Scholastica Monastery
Ronnie Rogers with the Fort Smith Fire Department
2. The application fee has been paid.
3. The application booklet has been submitted and comments are listed below:
 - a. The Owner is requesting a zoning change from Residential Single Family-Duplex Low/Medium Density (RSD-2) to a Planning Zone District (PZD) to allow the development of the proposed monastery on this site (see Development Plan/Preliminary Plat and Site Plan). The current zoning does not allow this function, rather than proposing a re-zoning to Transitional or Commercial, which would require a variance or master land use amendment for this type facility, it is believed that a PZD is the more appropriate approach. The surrounding properties are zoned Residential Single Family-Duplex Low/Medium Density (RSD-2), Residential Single Family Medium Density (RS-2), Residential Multi-Family Medium Density (RM-3), and Commercial Light (C-2 and C-2-SPL). The proposed monastery and the proposed Planning Zoning District (PZD) will fit seamlessly with and complement the existing building types and land uses of the area.
 - b. The current Owners of the properties encompassed by this proposed project area are as follows:

SAINT SCHOLASTICA ACADEMY – Unplatted property

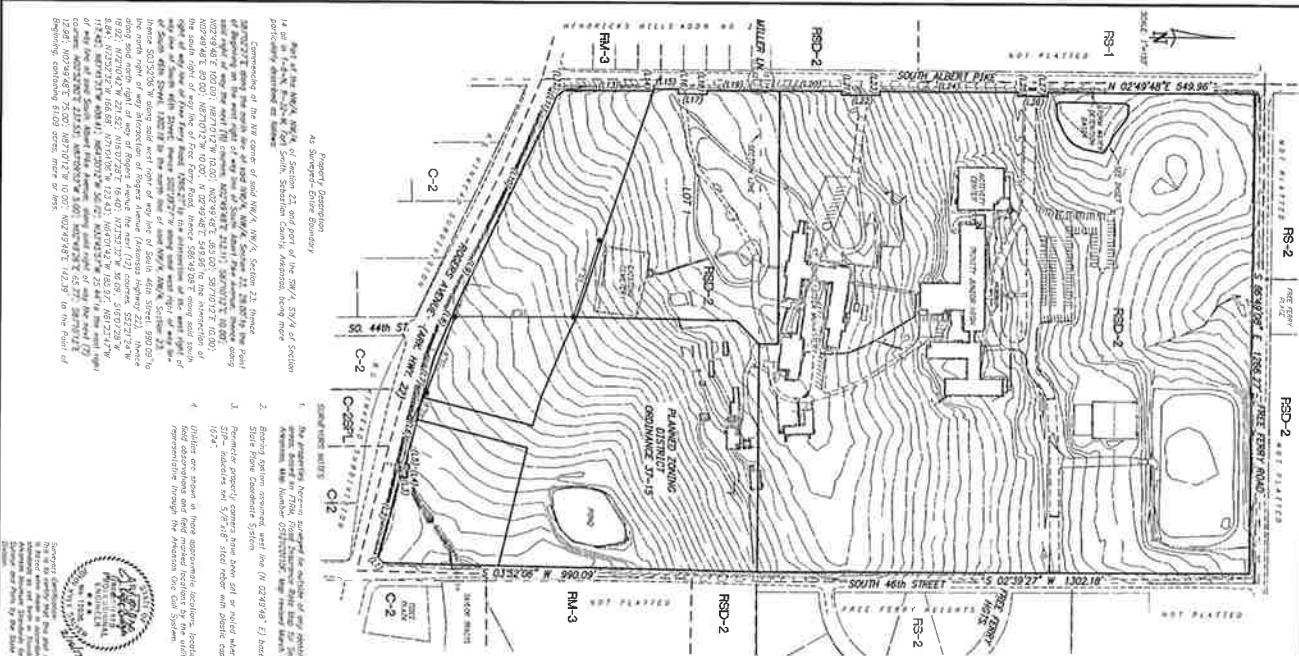
The Authorized Agent on behalf of these property owners is Leo Anhalt.

- c. Summary description of the scope, nature, and intent of proposal.
- Construction of +/- 30,828 SF new monastery.
 - Build an aesthetically pleasing facility that fits well with the adjoining St Scholastica campus and within the community.
 - Provide a facility / campus that will best serve the Owners needs.
- d. General Project Scope:
- i. Street and Lot Layout – Refer to Development Plan/Preliminary Plat & Site Plan
 - ii. Site plan showing proposed improvements – Refer to Development Plan/Preliminary Plat & Site Plan
 - iii. Buffer areas, screening, and landscaping – Refer to Landscape Plan
 - iv. Storm water detention areas and drainage – Refer to Development Plan/Preliminary Plat & Site Plan
 - v. Undisturbed natural areas – Refer to Development Plan/Preliminary Plat & Site Plan
 - vi. Existing and proposed utility connections and extensions – Refer to Development Plan/Preliminary Plat & Site Plan
 - vii. Development and architectural design standards – The Development will comply with all applicable regulations of the Unified Development Ordinance. See Proposed Building Materials List attached
 - viii. Building elevations – See attached Architectural elevations of the building
 - ix. Proposed Signage (Type and Size) – Signage will comply with the Transitional Zoning Requirements
- e. Proposed development phasing and timeframe.
- Construction will begin as soon as reasonably practical.
 - The project Contractor will mobilize and perform demolition and storm water runoff requirements prior to earth and utility work; site grading and utility work takes approximately 2 months.
 - The exterior and interior of the structure will be substantially completed within 10 – 12 months from the start of construction and issuance of building permit.
- f. See attached Chart F for land use Matrix.
- g. The General Area and Bulk Regulations will be as follows: Min. Lot size 5,000 SF, Min. Lot Width 50 Ft, Max Lot Coverage 65%, Min. Street Frontage 50 Ft, Front Setback 20 Ft, Side Setback 5 Ft, Street Side Setback 20 Ft, Rear Setback 10 Ft, Max Height 35 Ft.
- h. Refer to Chart I for comparison between the proposed PZD and the City of Fort Smith RSD-2.

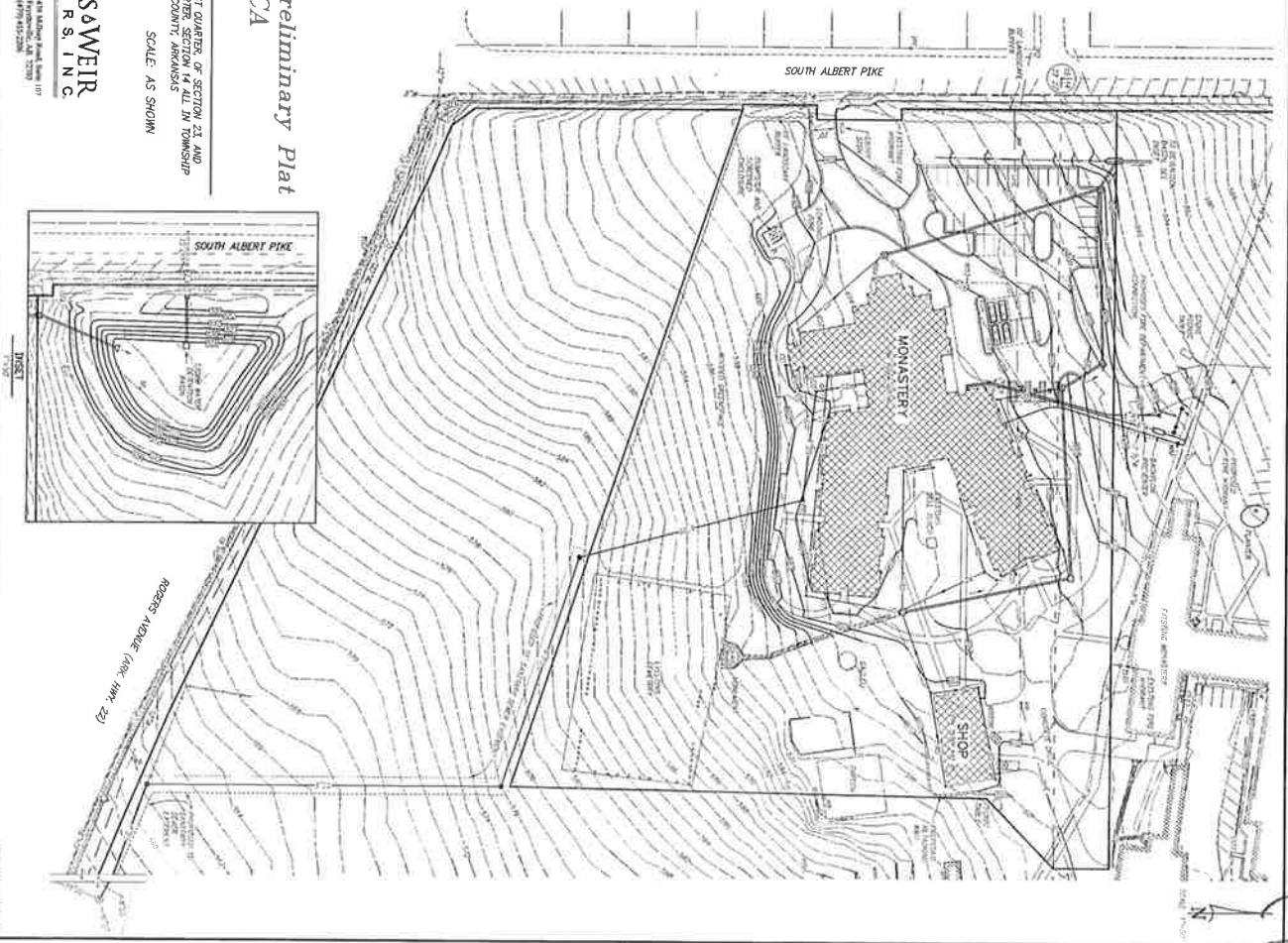
- i. See attached Chart F comparing the proposed land uses and the zoning district where such land uses are permitted.
- j. This monastery project will exceed UDO requirements via increased usage of high quality building materials, quality & quantity of landscaping and limited land use. 13 parking spaces are required by the UDO; 50 parking spaces will be provided.
- k. The new monastery will blend seamlessly into the surrounding campus. The building will use high quality materials and landscaping. The proposed architectural elements will be similar in nature to those used on the existing Saint Scholastica Monastery.
- l. There is expected to be a net decrease in the traffic generated due to the decrease in occupancy and employees. See attached copy of letter prepared by Hawkins-Weir Engineers, Inc. requesting a waiver on the Traffic Statement that has been reviewed and granted by the Fort Smith Engineering Department.
- m. All necessary utilities are present on the St. Scholastica campus. Sanitary sewer will require an extension from the north side of Rogers Avenue and water for domestic use and fire sprinkler system will be brought in from near the north property line of the proposed lot 1.

Other Information:

- 1. Parking required by UDO = $1/2$ space per dwelling unit = $26 / 2 = 13$ **required parking spaces**. 50 parking spaces will be provided (47 regular parking spaces & 3 HC accessible parking spaces).
- 2. The monastery project will comply with Section 27-602-5 Commercial and Outdoor Lighting.



EXISTING ZONING		PROPOSED ZONING	
1	2	1	2
3	4	3	4
5	6	5	6
7	8	7	8
9	10	9	10
11	12	11	12
13	14	13	14
15	16	15	16
17	18	17	18
19	20	19	20
21	22	21	22
23	24	23	24
25	26	25	26
27	28	27	28
29	30	29	30
31	32	31	32
33	34	33	34
35	36	35	36
37	38	37	38
39	40	39	40
41	42	41	42
43	44	43	44
45	46	45	46
47	48	47	48
49	50	49	50
51	52	51	52
53	54	53	54
55	56	55	56
57	58	57	58
59	60	59	60
61	62	61	62
63	64	63	64
65	66	65	66
67	68	67	68
69	70	69	70
71	72	71	72
73	74	73	74
75	76	75	76
77	78	77	78
79	80	79	80
81	82	81	82
83	84	83	84
85	86	85	86
87	88	87	88
89	90	89	90
91	92	91	92
93	94	93	94
95	96	95	96
97	98	97	98
99	100	99	100



1. The proposed zoning is consistent with the Comprehensive Zoning Ordinance, Chapter 12, Section 12.01, which states that the proposed zoning is appropriate for the area.

2. The proposed zoning is consistent with the Comprehensive Zoning Ordinance, Chapter 12, Section 12.02, which states that the proposed zoning is appropriate for the area.

3. The proposed zoning is consistent with the Comprehensive Zoning Ordinance, Chapter 12, Section 12.03, which states that the proposed zoning is appropriate for the area.

4. The proposed zoning is consistent with the Comprehensive Zoning Ordinance, Chapter 12, Section 12.04, which states that the proposed zoning is appropriate for the area.

5. The proposed zoning is consistent with the Comprehensive Zoning Ordinance, Chapter 12, Section 12.05, which states that the proposed zoning is appropriate for the area.

HM HAWKINS & WEIR ENGINEERS, INC.

1100 South 7th Street
Ft. Smith, AR 72301
Phone: 479-781-1142
www.hawkinsweir.com

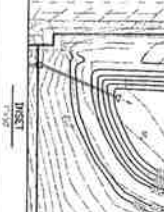
DEVELOPMENT PLAN/ST. SCHOLASTICA

Lot 1

BEING PART OF THE NORTHWEST QUARTER, NORTHWEST QUARTER, OF SECTION 22, AND 8 NORTH, RANGE 22 WEST, TOWNSHIP 36 NORTH, RANGE 22 WEST, COUNTY OF ARKANSAS.

DATE: FEBRUARY 2017

SCALE: AS SHOWN

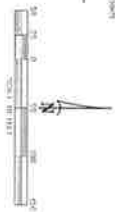


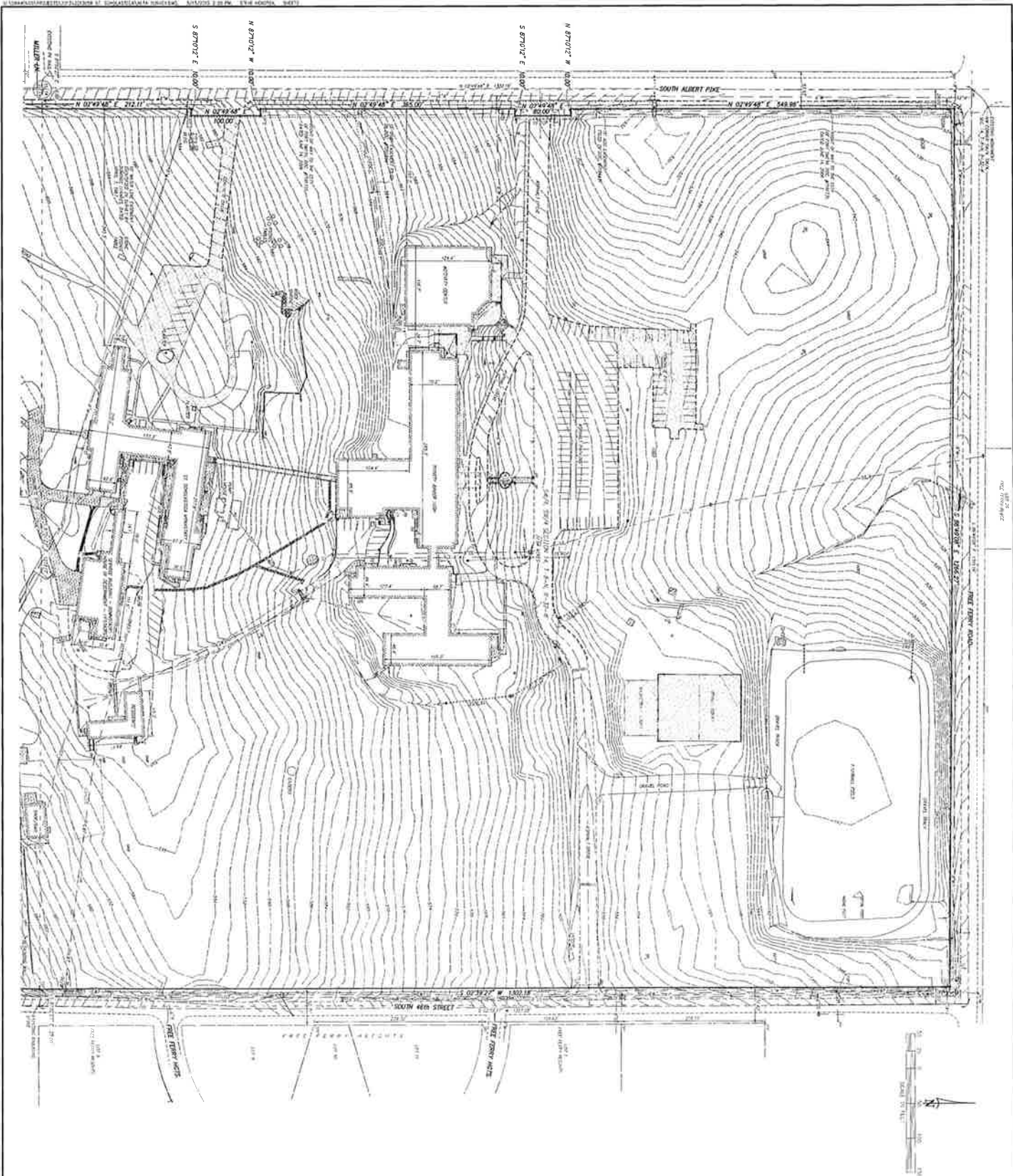
ROBERTS MONASTERY (ARK. HIST. 22)

25



- Original Document*
- The National Archives at the National Archives at College Park, Maryland, has received the following records from the National Archives at St. Louis, Missouri:
- 22 1/2 x 34 1/2 pages, in the City of St. Louis, Missouri County, containing 14 pages of a letter from the National Archives at St. Louis, Missouri, to the National Archives at College Park, Maryland, dated February 24, 1968, and 14 pages of a letter from the National Archives at St. Louis, Missouri, to the National Archives at College Park, Maryland, dated March 21, 1968. In block 655. Page 147.
72. Southern District of the United States District at Division 14, November 8, 1968.

[illegible]



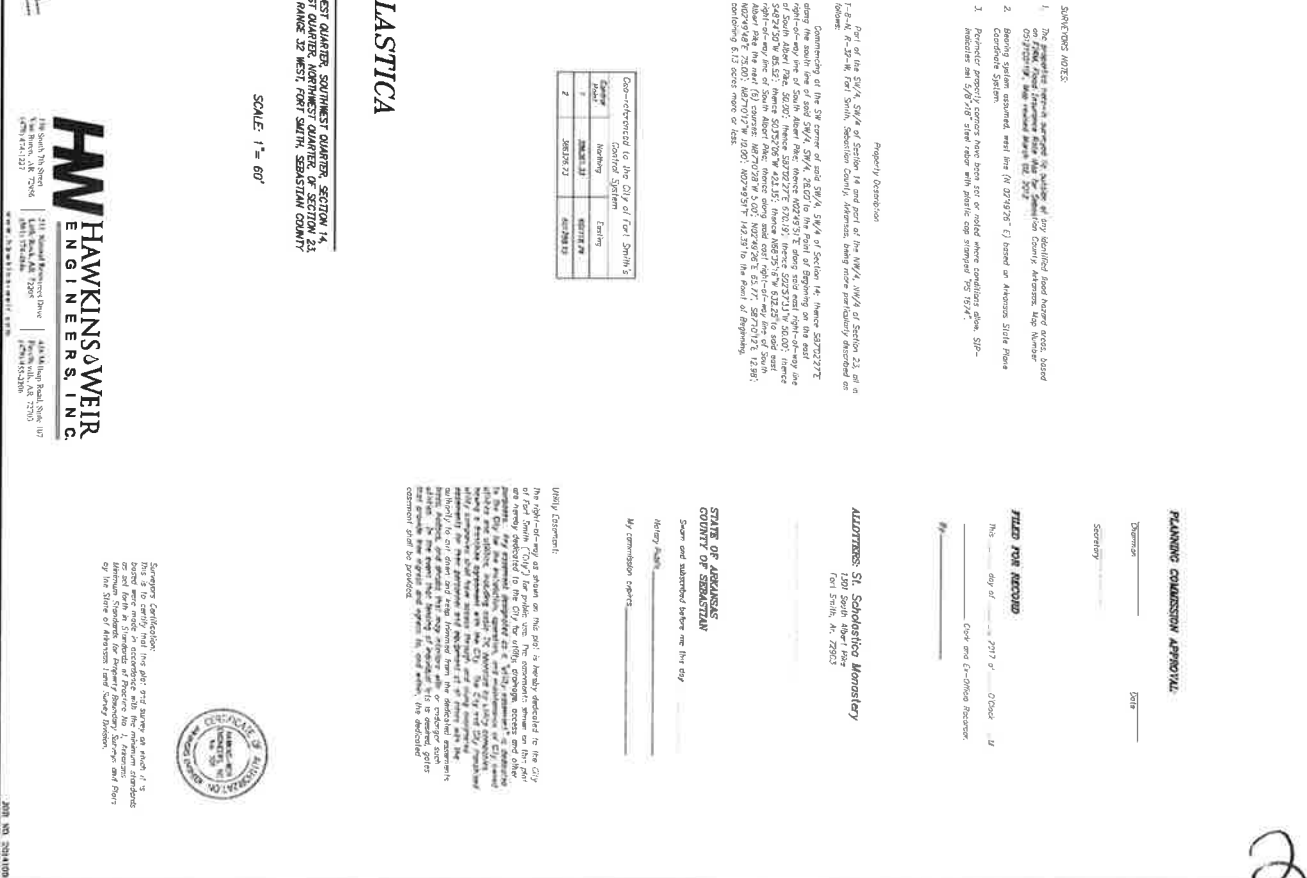
ALTA SURVEY
OF PART OF THE
SW/4, SW/4, SECTION 14 & PART OF
THE NW/4, NW/4, SECTION 23 ALL IN
T-8-N, R-32-W

HW **HAWKINS & WEIR**
ENGINEERS, INC.

111 South 7th Street • Vicksburg, Arkansas 72376 • (501) 774-1227
211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4940

7/1/2024

20



- FILED FOR RECORD**
- This _____ day of _____, 2017, at _____, Ohio, I, _____, Clerk and Ex-Officio Recorder,

1250 South 43rd West
Cori Smith, M., 725-53

My commission report: _____

Utility Assessment: _____

WOMEN'S RIGHTS PRICES IN JERUSALEM

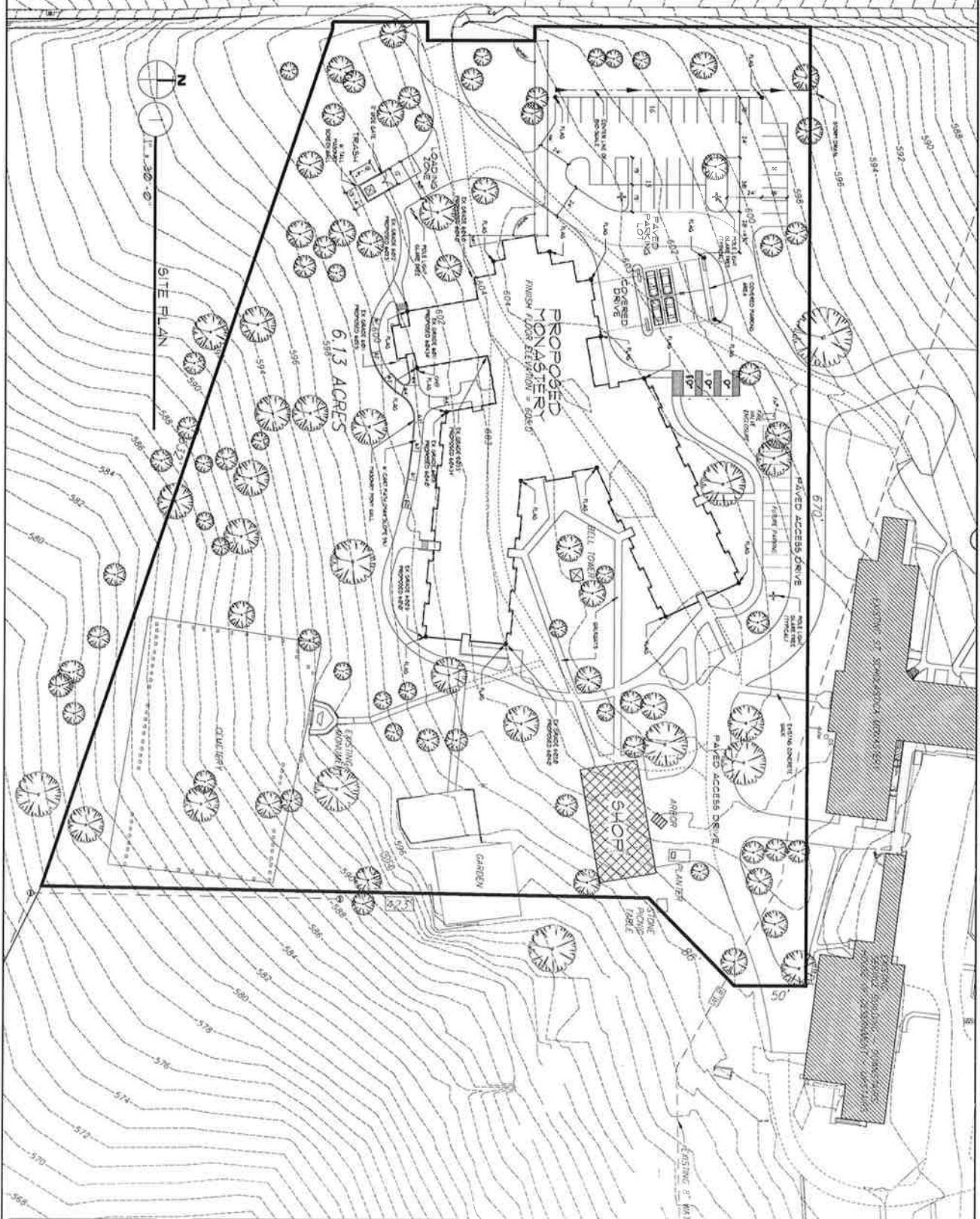
"KASSAMAT LAYIM," *ALBUZ* 2: 105-106 (1974) 3111 *EL* 29

2025 NO. 2014109



2W

SOUTH ALBERT PIKE AVENUE



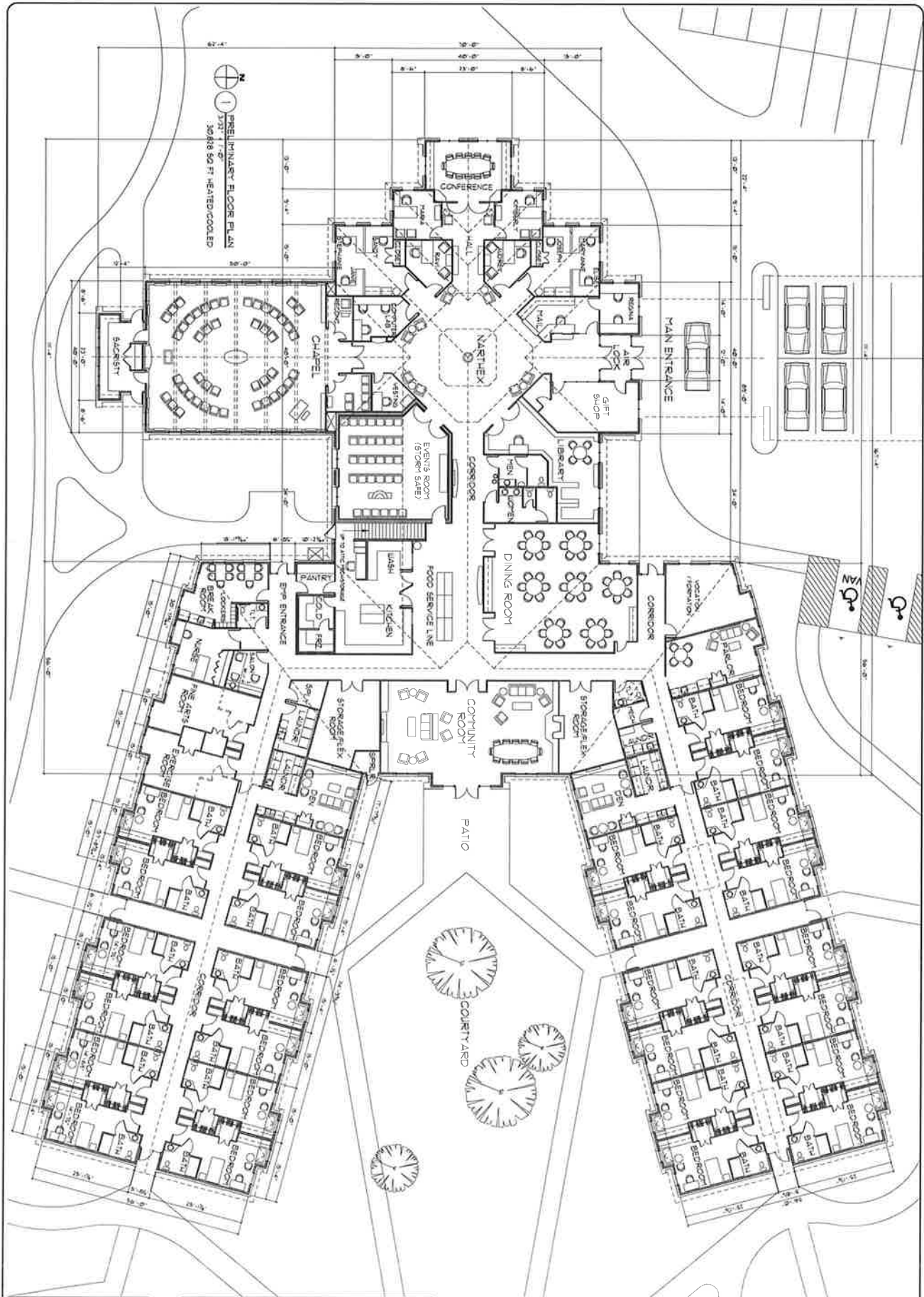
C1

DATE: 12/1/01
 DRAWN BY: S. SCHOLASTICA
 SITE PLAN

NEW FACILITY DEVELOPMENT PLAN FOR:
SAINT SCHOLASTICA MONASTERY
 1315 SOUTH ALBERT PIKE AVENUE
 FORT SMITH, ARKANSAS

Mark J. Loibner
 ARCHITECT PLANNER CONSULTANT
 1801 COUNTY ROAD 2510, LAMAR, AR 72848 • 479-650-5212 • mloibner@bcgglobal.net

2X



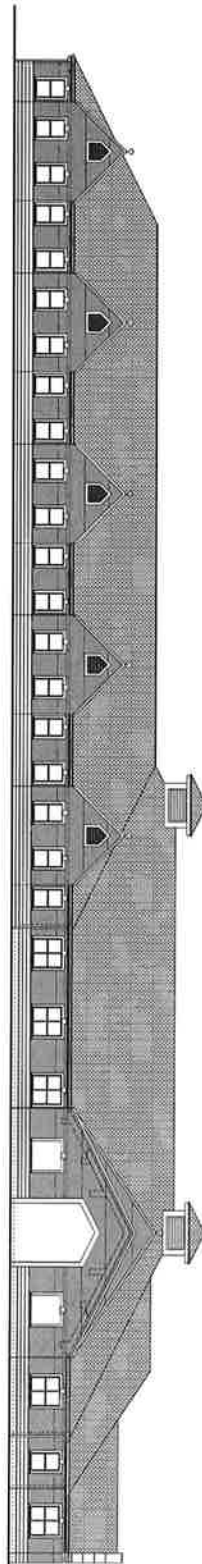
PRELIMINARY FLOOR PLAN
 1/8" = 1'-0"
 30'x48' 50'x71' HEATED/COOLED

A1	PRELIMINARY
	DATE: 10/27/09
	BY: T. SCHLAFER

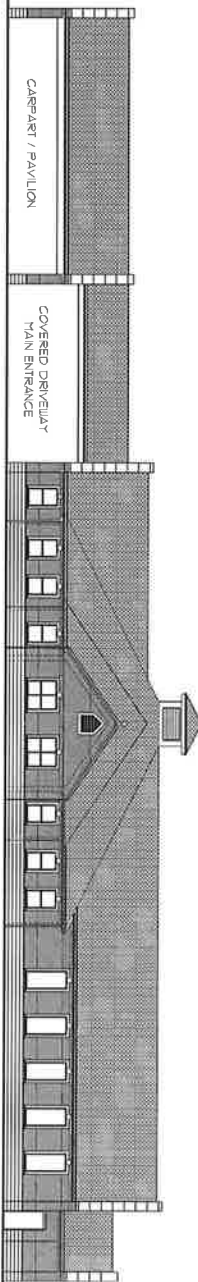
NEW FACILITY PRELIMINARY PLANNING FOR:
SAINT SCHOLASTICA MONASTERY
 ROGERS AVENUE AND ALBERT PIKE
 FORT SMITH, ARKANSAS

Mark J. Loibner
 ARCHITECT PLANNER CONSULTANT
 1801 COUNTY ROAD 2510, LAMAR, AR 72845 • 479-650-5212 • mloibner@bcglobal.net

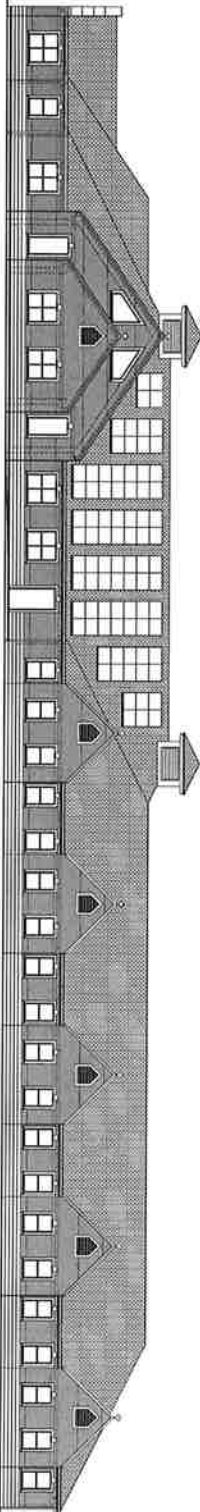
2Y



C PRELIMINARY NORTH BUILDING ELEVATION
3/21" = 1'-0"



B PRELIMINARY WEST BUILDING ELEVATION
3/21" = 1'-0"



A PRELIMINARY SOUTH BUILDING ELEVATION
3/21" = 1'-0"

A 2	DATE	3/11/11
	BY	MARK J. LOIBNER
PROJECT		
NEW FACILITY PRELIMINARY PLANNING FOR SAINT SCHOLASTICA MONASTERY		
ROGERS AVENUE AND ALBERT PIKE FORT SMITH ARKANSAS		

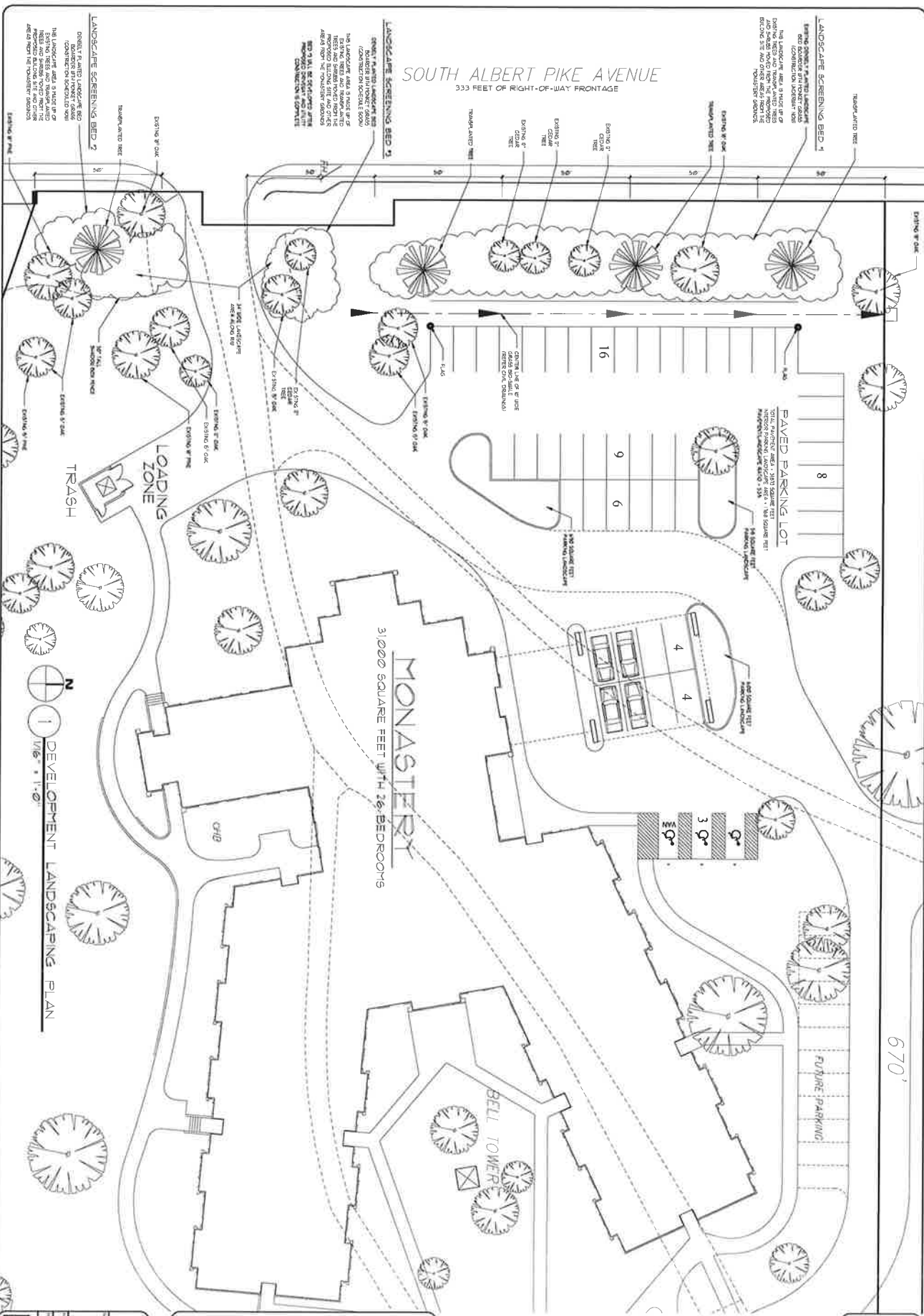
NEW FACILITY PRELIMINARY PLANNING FOR:
SAINT SCHOLASTICA MONASTERY
 ROGERS AVENUE AND ALBERT PIKE
 FORT SMITH ARKANSAS

Mark J. Loibner

ARCHITECT PLANNER CONSULTANT
 P.O. BOX 6086, FORT SMITH, AR 72906 • 479-650-5212 • mloibner@abglobal.net

22

SOUTH ALBERT PIKE AVENUE 333 FEET OF RIGHT-OF-WAY FRONTAGE



LS1
 ARCHITECT
 1601 COUNTY ROAD 2510, LAMAR, AR 72846
 479-650-5212 • mloibner@sbcglobal.net

NEW FACILITY DEVELOPMENT PLAN FOR:
SAINT SCHOLASTICA MONASTERY
 1301 SOUTH ALBERT PIKE AVENUE
 FORT SMITH, ARKANSAS

Mark J. Loibner
 ARCHITECT
 1601 COUNTY ROAD 2510, LAMAR, AR 72846 • 479-650-5212 • mloibner@sbcglobal.net

22-1

as of Feb:8;2017

Landscape Bed/Albert Pike

TREES

YOSHINO CHERRY

Lacebark Elm

Kwanzan Cherry

Chinese Pistache

Spradlin Chinquapin Oak

Rose of Sharon (Althea)

Cedars in place

SHRUBS

2 BEAUTY BUSH (beautiful fall leaves)

2 Red althea (large red flowers)

14 Crape Myrtle (various pink, purple etc)

2 Large Gardenia (green with white flowers)

2 Large Holly (green)

15 Japanica (red flowers)

6 Nandina (green with red berries

2 Fire power Nandina (fall/winter color)

20 Spirea (large, flowing branches, white flowers)

4 Spirea (small variety with white flowers)

Bridal Wreath (8 sets-8-10/set, white flowers)

Lilac (2 sets, about 15 plants per set, purple flower

Edged with Monkey Grass

Jonquils (lots) various yellow

Day Lily (lots) bright yellow/orange

More to come at each end

also more ground cover

Building Material Color List
Saint Scholastica Monastery



1. Fiberglass Shingles: Certaineed, Architectural Designer Shingles
Color – Hunter Green
2. Brick Veneer: Acme Brick # PET131-790521
Finish – Alluvial Light (Modular) – Velour Texture
3. Fascia/Soffit/Frieze + Gutters & Downspouts
Color – White
4. Cupola; EIFS Finish on Cementious Board; Dryvit
Color – White
5. Window/Door Trim
Color – White
6. Watertable/Window Surround & Sill Cast Stone
Color – Very Light Grey (Limestone to match existing)

Use Matrix

CHART I

Comparison chart between the proposed PZD and the City of Fort Smith RSD-2 zone.

	Proposed PZD	RSD-2
• Minimum lot size	5,000 SF	10,500 SF
• Minimum lot width	50 FT	75 FT
• Maximum lot coverage	65%	50%
• Maximum height	35 FT	35 FT
• Additional height	Per UDO	Per UDO
• Setbacks		
Front	20 FT	30 FT
Side	5 FT	7.5 FT
Street side/corner	20 FT	30 FT
Rear	10 FT	10 FT
Minimum street frontage	50 FT	50 FT
Minimum building seperation	To be determined by current Building and Fire Code	



January 23, 2017

Mr. Stan Snodgrass, P.E.
Director of Engineering
City of Fort Smith
P.O. Box 1908
Fort Smith, Arkansas 72902-1908

Re: Proposed Monastery Project
Traffic Statement
Fort Smith, Arkansas
HWEI Project No. 2014109

Dear Mr. Snodgrass:

The St. Scholastica Monastery located at 1301 S. Albert Pike in Fort Smith is proposing a new monastery on their campus to replace the existing facility. This letter is written to request a waiver for the preparation of a Traffic Impact Statement as described in the Fort Smith Unified Development Ordinance.

Currently the facility houses 38 individuals living in the monastery and 34 employees working on the campus. The proposed development will house 26 individuals and will employ 15 individuals.

It is assumed that the number of trips generated per each person living or working at the facility will not change post development and that the number of ancillary trips generated to the site, deliveries, visitors, etc. will be the same or less because of the reduced number of people living or employed at the facility. Therefore, it is our opinion that the amount of traffic generated from the proposed development will be reduced compared to the traffic generation of the current facility. Because of this, we request a waiver for the Traffic Impact Statement.

Sincerely,

HAWKINS-WEIR ENGINEERS, INC.

J. Kyle Salyer, P.E., P.S.

JKS/cnc

cc: Leo Anhalt, SSI
Ravi Thiagarajan, St. Scholastica Monastery
Mark Loibner, AIA, Project Architect

Kyle Salyer

From: Chavis, Don <dchavis@FortSmithAR.gov>
Sent: Thursday, February 02, 2017 1:32 PM
To: Kyle Salyer
Cc: Andrews, Brenda
Subject: St. Scholastica Monastery Project / South Albert Pike Avenue

Kyle,

The Engineering Department has reviewed the information that you submitted for the traffic information on the proposed

St. Scholastica Monastery development. Due to the decrease in the number of trips generated for this development our conclusion is that a Traffic Impact Statement will not be required. We will grant you a waiver for the Traffic Impact Statement.

Thanks,
Don Chavis

**PZD BOOKLET
(LAST PAGE)**

Memo

To: City Planning Commission

From: Planning Staff

Date: March 7, 2017

Re: Development Plan Review - A request by Ron Brixey, agent, for Planning Commission consideration of a Development Plan request to develop a Multifamily Development at 6901 Wells Lake Road

PROPOSED DEVELOPMENT PLAN

Approval of the development will allow the construction of a 21-unit apartment complex in the northeasterly corner of the site. Phase 1 of the development includes the apartment complex and 12 duplexes. Ordinance #62-16 approving the Planned Zoning District (PZD) requires planning commission review and approval of the development plan for the apartment complex prior to the issuance of a building permit.

LOT LOCATION AND SIZE

The subject property is on the east side of Roberts Boulevard and the north side of Veterans Avenue and the south side of Wells Lake Road. The tract contains an area of 14 acres with approximately 754 feet of street frontage along Roberts Boulevard and approximately 719 feet of street frontage along Veterans Avenue and approximately 619 feet of street frontage along Wells Lake Road.

EXISTING ZONING

The existing zoning is Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

Developments that utilize design standards greater than the minimum required by the UDO.

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and undeveloped.

The area to the east (The Havens) is zoned Single Family Duplex Medium/High Density (RSD-3) and undeveloped. Duplexes are proposed for this site.

The area to the south is zoned Industrial Light (I-1) and developed as Phoenix Metals and an area not zoned and developed as a healthy club/gym.

The area to the west (The Highlands) is zoned Residential Single Family Medium/High Density (RS-3) and is under development with single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Roberts Boulevard as a Boulevard, Wells Lake Road as a Future Major Collector and Veterans Avenue as a Local Road.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress for the apartment complex is on Wells Lake Road. A second driveway on Veterans Avenue will be constructed as phases 2 and 3 are developed.

Sidewalks – A 5' sidewalk is proposed along Wells Lake Road.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – A detention pond is proposed in the easterly corner of the site.

Right-of-way dedication – No right-of-way dedication is required.

Landscaping – A 20' perimeter landscape buffer is proposed along Wells Lake Road. Perimeter landscaping along Roberts Boulevard and Veterans Avenue will be installed as those phases are developed.

Screening – Trash enclosures are enclosed as required.

Parking – The proposed parking complies with the UDO. The apartment building requires 42 parking spaces and 65 are proposed.

Signage – A 4' x 5' monument sign is proposed at the entrance on Wells Lake Road. Signage plans will be submitted separately for staff review and approval.

Lighting – Site and building lighting complies with the UDO

Architectural features – Features of the apartment building include brick with hardiboard siding on the exterior, shingled roof, and covered porches on the front and rear facades. The building complies with the UDO multifamily requirements for wall and roof articulation.

Height and Area – The apartment will be 23,437 square feet and one story in height.

NEIGHBORHOOD MEETING

Based on UDO Section 27-301-1 regarding neighborhood meetings for development plans, the applicant received planning department approval to send notices to property owners within 300' of the site in lieu of holding a neighborhood meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application with the following conditions:

1. The development plan for the apartment building is approved for general compliance. Specific and final construction plans must be submitted for review and approval prior to a building permit being issued. Final plans must comply with all development and construction codes.
2. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
3. All signs shall require the submittal of a sign permit application for review and approval prior to the issuance a building permit.

1.
AS AMENDED

ORDINANCE NO. 62-16

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No.20-9-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 13, 2016, that said change be made;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF
DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:**

SECTION 1: That the following properties to-wit:

Part of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4), Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and Part of Government Lot 1 of the Northwest Quarter (Govt Lot 1 NW/4), All in Section 5, Township 7 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5 being marked with an existing 1/2" rebar with cap stamped PLS 1272; thence N 02°38'35" E, 1619.04 feet along the West line of said Section 5; thence N 90°00'00" E, 1693.52 feet to the Point of Beginning being a 1/2" rebar with cap stamped MWC 1369 on the Northerly right of way line of Roberts Boulevard; thence along said Northerly right of way line N 39°34'01" W, 754.40 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.11 feet along the Arc of a curve to the right having a chord bearing N 05°25'09" E, 42.42 feet and a radius of 30.00 feet to a 1/2" rebar with cap stamped MWC 1369 on the Easterly right of way line of Wells Lake Road; thence along said Easterly right of way line N 50°24'17" E, 619.39 feet to a 1/2" rebar with cap stamped MWC 1369; thence 100.22 feet along the Arc of a curve to the right having a chord bearing N 53°06'47" E, 100.18 feet and a radius of 1060.00 to a 1/2" rebar with cap stamped MWC 1369; thence leaving said Easterly right of way line S 39°33'58" E, 809.78 feet to a 1/2" rebar with cap stamped MWC 1369 on the Westerly right of way line of Veterans Avenue; thence along said Westerly right of way line S 50°24'51" W, 719.43 feet to a 1/2" rebar with cap stamped MWC 1369; thence 47.13 feet along the Arc of a curve to the right having a chord bearing N 84°34'34" W, 42.43 feet and a radius of 30.00 feet to the point of beginning, containing 14.00 Acres, more or less and being subject to

public road rights of way and any easements of record, according to a survey by Mickle, Wagner, Coleman job Number POW11919, Dated: 12/2014.

more commonly known as 6901 Wells Lake Road, should be, and is hereby rezoned from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk. In accordance with the project booklet, a development plan for the 18-unit apartment complex, the office/clubhouse and the future commercial development shall be submitted for planning commission review and approval prior to the issuance of any building permit.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 4th DAY OF October, 2016.

ATTEST:

Sheri Gard
City Clerk

APPROVED:

Sandy Sander
Mayor

Approved as to form:

Jerry Cusfield
Publish One Time

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
Part of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4), Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and Part of Government Lot 1 of the Northwest Quarter (Govt. Lot 1 NW/4), All in Section 5, Township 7 North, Range 31 West, Sebastian County, Arkansas. Complete description attached.
2. Address of property: 6901 Wells Lake Road
3. The above described property is now zoned: PZD
4. Does the development plan include a companion rezoning request?
Yes _____ No X
5. If yes, please specify the companion application submitted: N/A
 - Conventional Rezoning
 - Planned Rezoning
 - Conditional Use
 - Master Land Use Plan Amendment
 - Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to: N/A
____ by ____
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
Zoning to northeast – RSD-3, Zoning to northwest – Not Zoned, Zoning to
southeast – I-1, Zoning to southwest – RS-3
See Site Plan for additional details
8. Total acreage of property 14.0 acres

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 E. Hwy. 45, Fort Smith, Ar. 72916
Owner or Agent Mailing Address

or

Ron Brixey

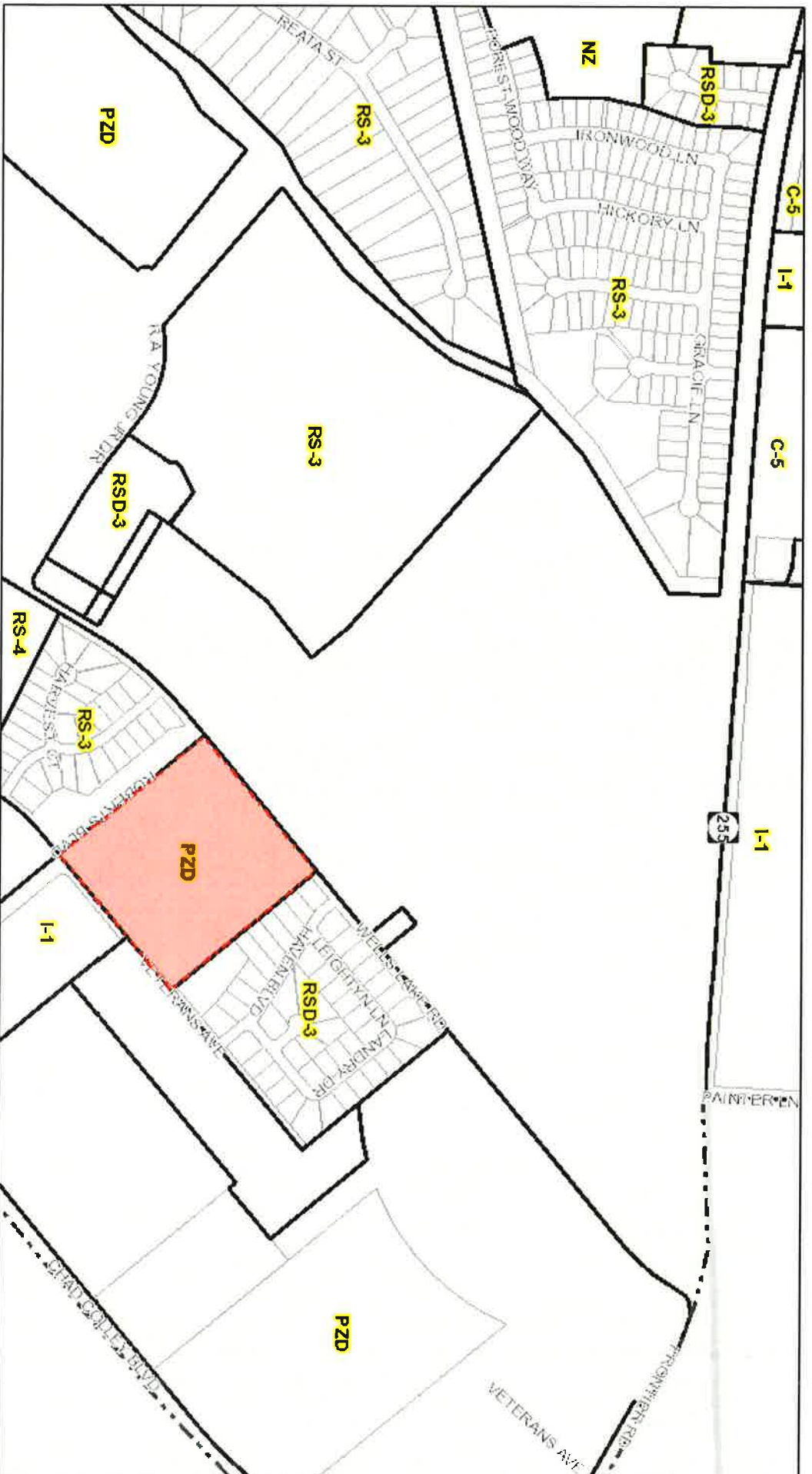
Agent

479-646-6394

Owner or Agent Phone Number

Development Plan Review: Multifamily Development 6901 Wells Lake Road

3H



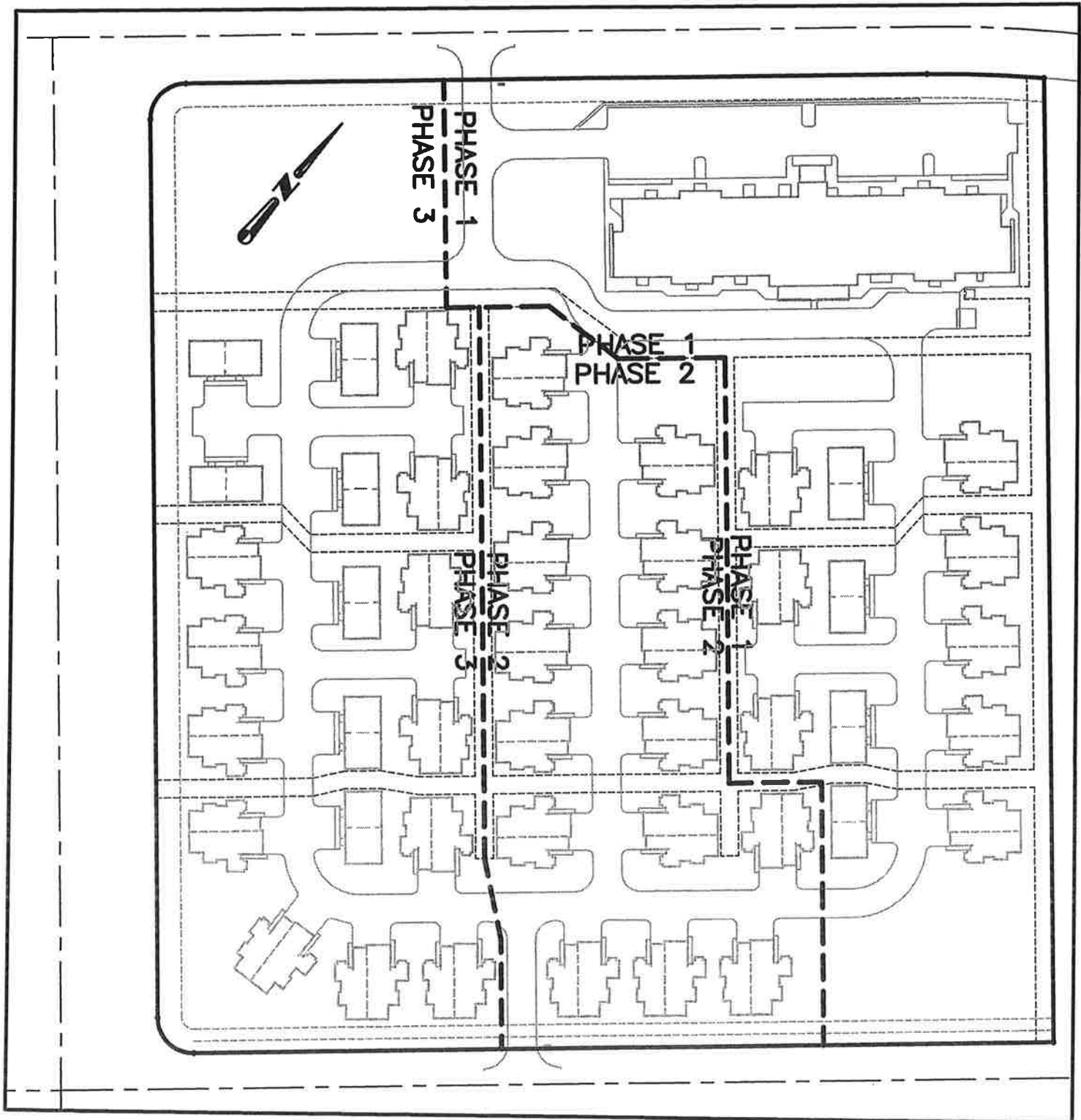
February 21, 2017

- ☒ Fort Smith City Limits
- ☒ Parks
- ☒ Zoning
- ☒ Subdivisions



Brixey Engineering & Land Surveying, Inc.

Land Surveyors - Consulting Engineers
P.O. Box 6180 Ft. Smith, Ark. 72906 (479)646-6394



PHASE BOUNDARY

31

2nd FLOOR DUPLEX with GARAGE

Overall dimensions: 30'-0" (width) x 28'-0" (depth)

Room dimensions and layout:

- Top left: 11'-0" x 11'-0" (Living Room)
- Top right: 11'-0" x 11'-0" (Living Room)
- Bottom left: 11'-0" x 11'-0" (Living Room)
- Bottom right: 11'-0" x 11'-0" (Living Room)
- Central area: 11'-0" x 11'-0" (Kitchen/Dining area)
- Garage: 11'-0" x 11'-0" (bottom right)
- Staircase: 11'-0" x 11'-0" (bottom left)
- Other areas: 11'-0" x 11'-0" (top left), 11'-0" x 11'-0" (top right), 11'-0" x 11'-0" (bottom left), 11'-0" x 11'-0" (bottom right)

No.	Building Use	Source	Corridor	Porting
Units	Description	Returned	Planning	Spots
35	2 Bedroom w/2 Car Garage	70	70	70
35	2 Bedroom w/1 Car Garage	70	35	35
21	2 Bedroom Apartments Bldg.	44	0	44
22	23437 SF Apartment Building	42	0	65
TOTAL SPACES		226	119 incl. Driveways	

23,841.10 Sq Ft. Interior Landscape Provided (Overall) / 6569.22 Sq.Ft. required
(Apartment Bldg. Parking = 18,478 Sq Ft. / Required 874 SF, Provided 1636 SF)

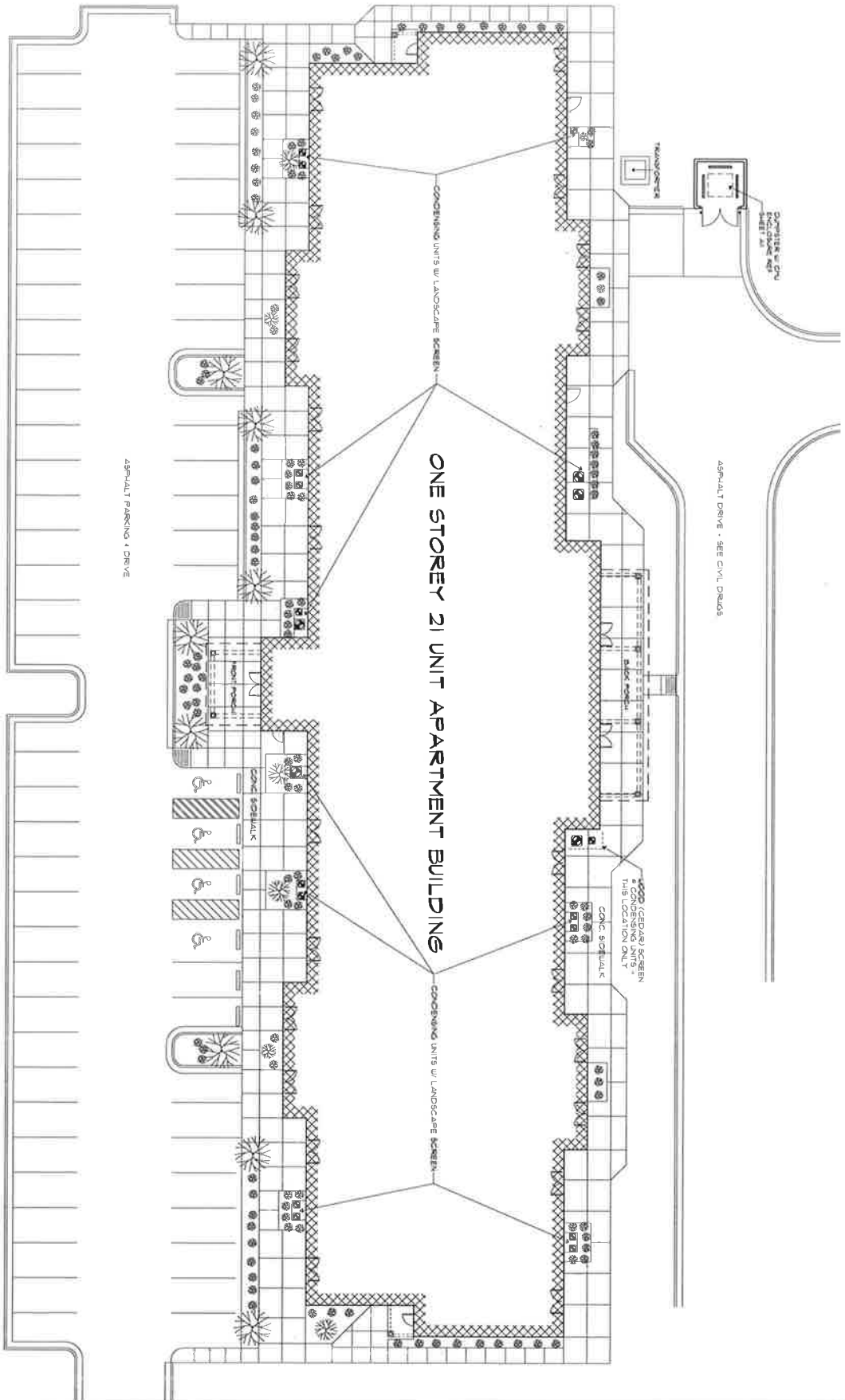


ARCHITECTURAL SITE PLAN

NO SCALE



NORTH



PROPOSED 21 UNIT:
APARTMENTS @ WELLS LAKE
CHAFFEE CROSKING
FORT SMITH, ARKANSAS

Richard Humiston
ARCHITECT
4600 SO. 56th ST. FORT SMITH, AR 72503
(479) 381-4333
richard@hgsarchitects.com



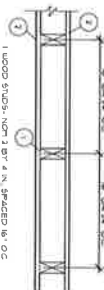
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[illegible][illegible]

III

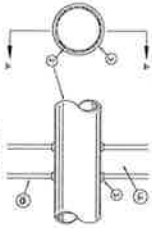
ENGINEER (MALLS)
GATE NO. 40 35

FINISH RATING: 23 MIN.
SOUND RATING STC: 35-39



2. One layer 5/8" type X gypsum wallboard or gypsum veneer base applied parallel or at right angles to each side of studs with 1/4" type W drywall screws 12" o.c. joints staggered 16" on opposite sides

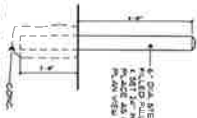
System No. UL100
(Formerly System No. 147)

* Ratings - 1, 2 and 4 hr (Some items / items 3)
† Ratings - 0, 1, 2, 3 and 4 hr (Some items 3)

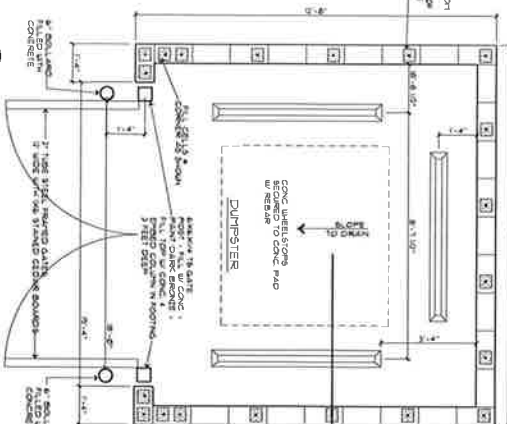
2025 RELEASE UNDER E.O. 14176

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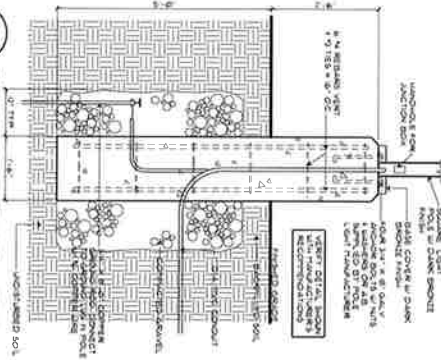


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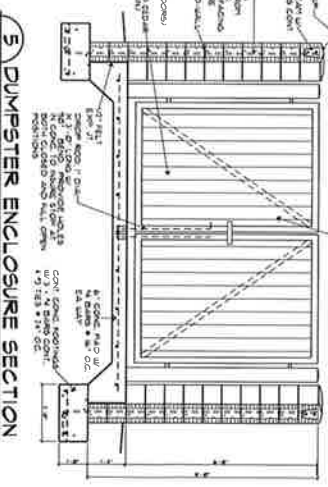
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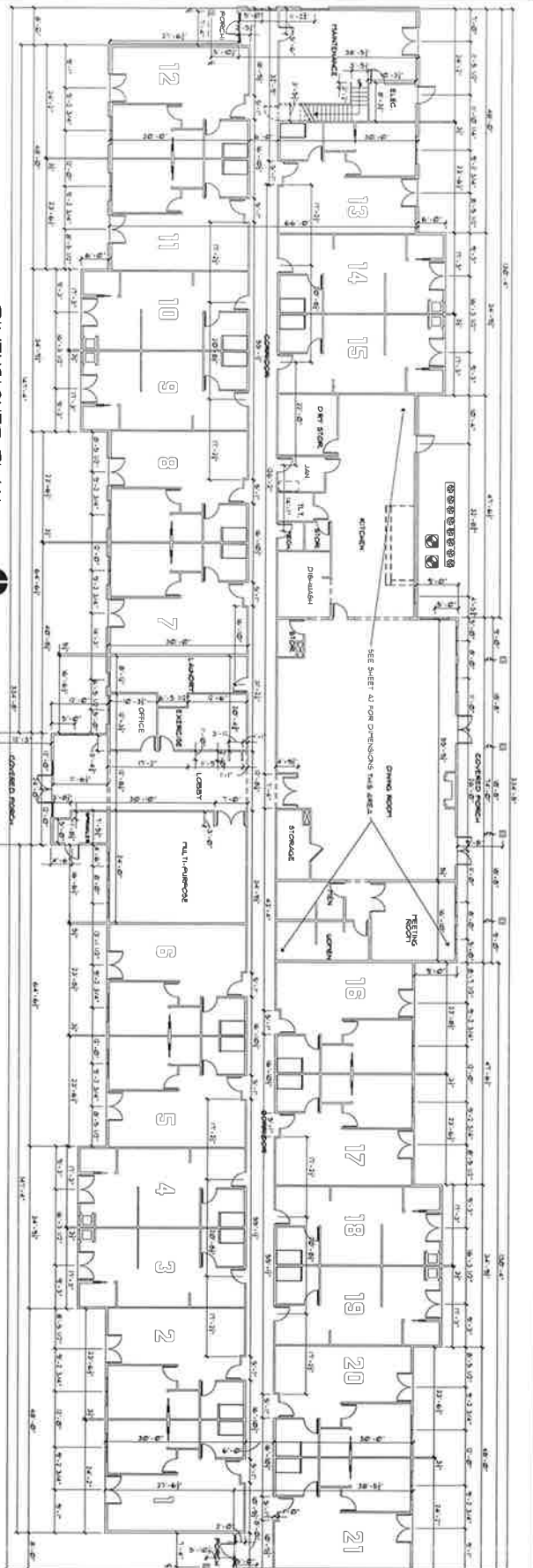
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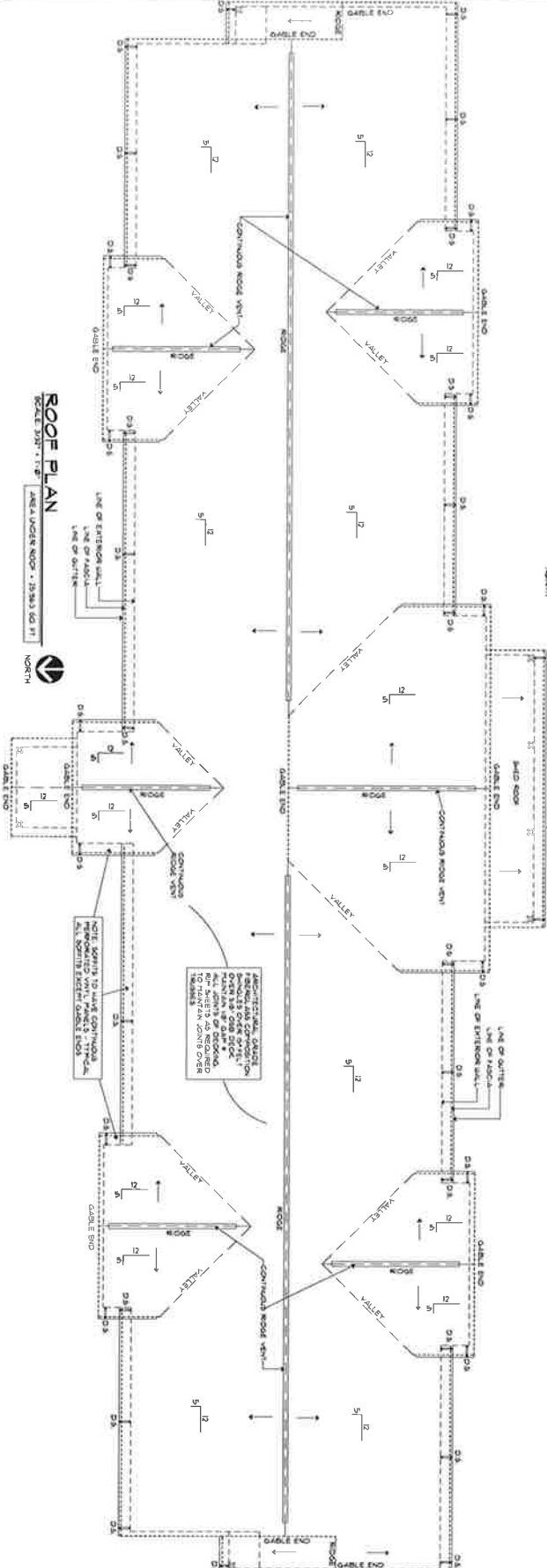
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•Borrowing the U.S. Classification Marking





DIMENSIONED PLAN



ROOF PLAN



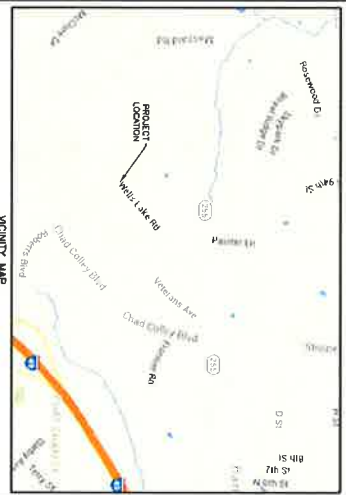
PROPOSED 18 UNIT
APARTMENTS @ WELLS LAKE
FORT SMITH, ARKANSAS

Richard Humiston
ARCHITECT
4600 SO 9th ST. FORT SMITH, AR 72903
(479) 785-4355
richard@rhgarchitects.com



30

ARCHITECT
ROOF PLAN
DISSEMINATED PLAN
Date 2/28/11
A 3



LEGEND

PROPERTY LINE
EXISTING LINE
EXISTING WIDENING
EXISTING DRIVE LINE
PROPOSED WIDENING
WATER SERVICE
WATER METER
FIRE HYDRANT
SANITARY SERVICE
PROPOSED WIDENING
BUILDING SERVICE LINE
PROPOSED DRIVE LINE
C&G & GUTTER
BODILY
ASPHALT DRIVE
27' WIDE DRIVE
C&G & GUTTER
C&G & GUTTER

PROPOSED DRIVE

27' WIDE DRIVE
C&G & GUTTER
C&G & GUTTER

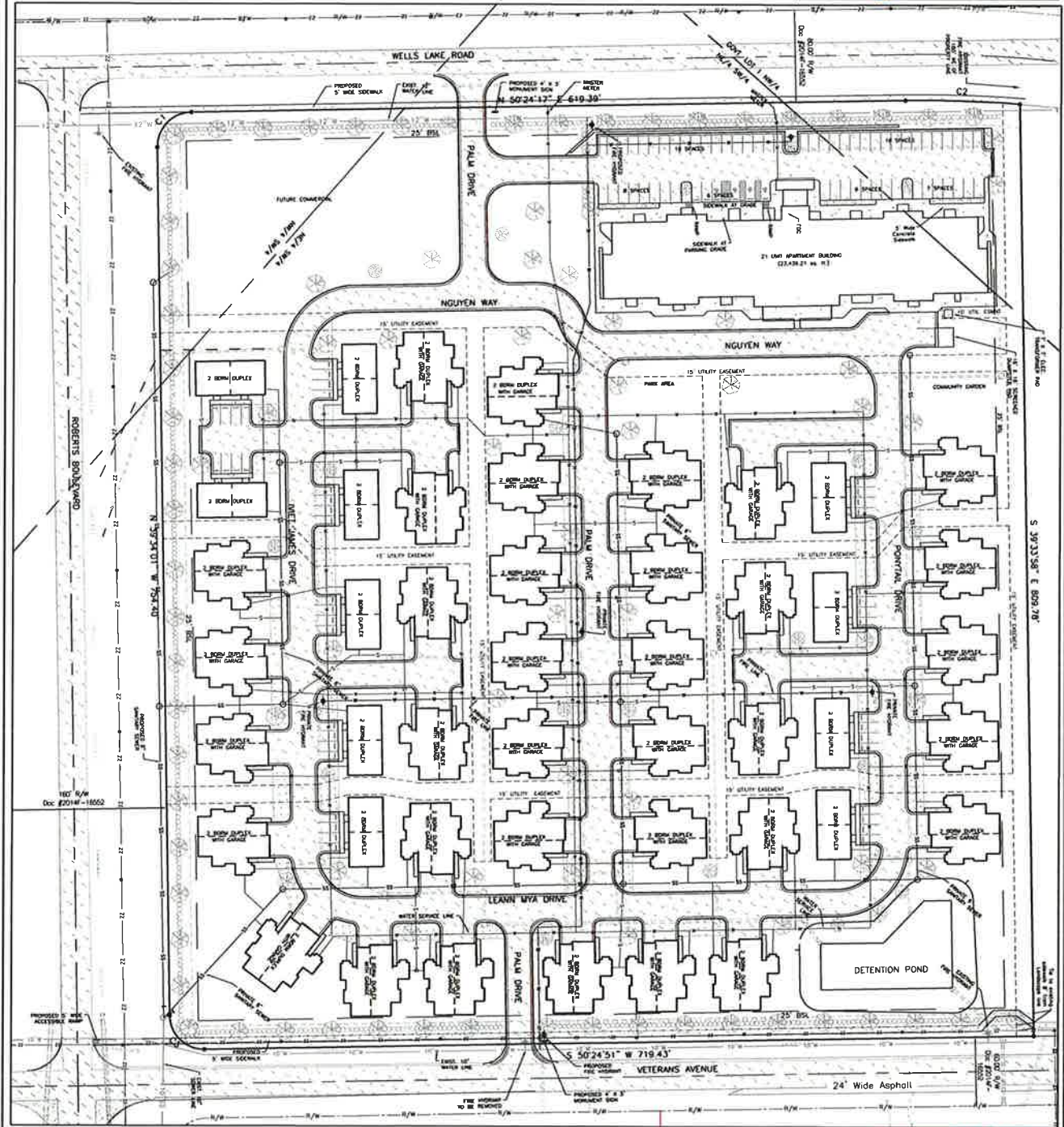
CHORD LENGTH	CHORD BEARING	CHORD LENGTH	CHORD BEARING
121.47	N 67°23'09" E	42.42	S 00°00'00" W
100.22	N 53°09'47" E	100.18	S 00°00'00" W
42.42	N 67°23'09" E	42.42	S 00°00'00" W

PROPOSED DRIVE

27' WIDE DRIVE
C&G & GUTTER
C&G & GUTTER

PROPOSED DRIVE

27' WIDE DRIVE
C&G & GUTTER
C&G & GUTTER



3P

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2017

Re: Conditional Use #3-2-17 - A request by Hoa Tran, owner, for Planning Commission consideration of a Conditional Use request to develop a convention/event center located at 4000 North O Street

PROPOSED CONDITIONAL USE

The conditional use will allow for one of the empty suites located at 4000 North O Street to be rented and utilized as a convention/event center to hold birthday parties, weddings, and other special events. No site changes are proposed.

LOT LOCATION AND SIZE

The subject property is on the south side of North O Street between North 39th Street and North 41st Street. The tract contains an area of 5.28 acres with approximately 489 feet of street frontage along North O Street, 490 feet of street frontage along North N Street and 480 feet of street frontage along North 41st Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2) and Residential Single Family Medium/High Density (RS-3) and are developed as a salon/barber shop, and single family residences.

The area to the east is zoned Residential Single Family – Duplex Medium/High Density (RSD-3) and is developed as single family residences.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is developed as single family residences.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and Commercial Light (C-2) and is developed as single family residences and a convenience store.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North O Street as a Major Collector, North N Street as a local road, and North 41st Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site will continue to use the existing entrance and exit points. Two driveways located on North O Street, one driveway located on North 41st Street, and the last truck entrance located on North N Street.

Landscaping – No new landscaping is proposed. However the site has existing landscaping along North 41st Street and some existing trees along North O Street.

Signage – No new signage is proposed at this time.

Lighting – No new lighting is proposed.

Dumpsters – Existing dumpsters are not screened.

Parking - The site has approximately 264 parking spaces.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 20th, 2017 at 2:00 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

The Planning Commission reviewed a similar conditional use request at the February 14, 2017 Planning Commission meeting. New and additional information was received following the February Planning Commission meeting. Mr. Tran has written a letter detailing the items he has implemented in order to assure his shopping center is an asset to the neighborhood. Also, we received an updated letter from the Police Department removing their opposition from the event center with Mr. Tran's assurance to hire off duty police officers as security.

In response to the suggestions that this space might be converted to other uses such as dance clubs, etc. we have enclosed a summary of different occupancy/use definitions. The consideration of this conditional use is only for the convention/event center.

Should the Planning Commission move to approve this request, the staff suggests approval of the request be contingent upon the following:

1. All dumpsters on site shall be screened by an opaque screening fence and be accessible by the Fort Smith Sanitation Department.
2. The conditions within Mr. Tran's letter concerning trash, hours of operation, off duty police officers shall provide security for all events held at the event center and compliance with City nuisance ordinances.

A convention/event center is defined as:

Convention/event center

shall mean facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including but not limited to temporary outdoor displays, food and beverage preparation and parking garages.

The following is a list of other land uses that are not considered a convention/event center:

Amusement center (indoor)

shall mean an amusement enterprise offering entertainment to the general public for a fee or charge wherein all activity takes place indoors. Such facilities include video game arcades and pool halls.

Amusement center (outdoor)

shall mean a facility offering entertainment, primarily to the general public for a fee where any portion of the activity takes place in the open. Such facilities include but not limited to golf driving ranges, archery ranges, miniature golf courses and the like.

Bar or tavern

an establishment, also known as bars, taverns, or drinking places, primarily prepare and serve alcoholic beverages for immediate consumption. These establishments may also provide limited food and entertainment (primarily music) services.

Dance hall/ night club

shall mean an establishment whose primary activity is the provision of facilities for dancing and live entertainment or amplified music.

March 6th, 2017

From: Hoa Tran
Truong Son Asian Center
4000 North O Street
Fort Smith, Arkansas 71904

To: Mr. Wally Bailey, Director of Development Services
& Fort Smith City Planning Commission

Ref. Application for Conditional Use Request for a Convention/Events Center

To All This May Concern:

First I would like to thank the residents of Fort Smith, the Mayor, and the City Administrator who had allowed me and my family to settle and start my small business here in Fort Smith.

Referring to some of the complaints such as:

Trash in parking lot, trash to neighboring yards, use of parking lot, opening and closing hours, other activities, and other incidents happened after closing, and last but not least: one complainer regarded us as "riff raff".

These are my explanations and my efforts to work with my neighbors:

As the city grows, more demands and developments are needed; my business is also part of the growing city. The Vietnamese community itself needs an event center to celebrate our cultures, our traditions, to connect with each other, to support other organizations, and honor a number of American & Vietnamese national holidays. I want to help my community and others.

I allow the Vietnamese community Association of Arkansas to use the center without any charge or fee: they hold New Year celebrations, raise funds for churches, raise fund for disabled veterans and their widows, raise fund for flood victims, cook-out day for local homeless people, etc... .

1. My store and others in the same parking lot always close early around 9:00pm.
2. The center is actually an expansion of my licensed restaurant. Most of fund raising activities at the center are during the day and closes around 8:00 pm.
3. Others such as wedding or birthday celebrations close at 1:00am after all cleaning is done. An off-duty police has always presented until the event center closes and nobody is around.
4. I have "No Loitering" signs all around the corners of the parking lot. I even have small signs in front of the store for no loitering. Any loitering happened after the store and event center close was not relevant to the event and the police had cleared that.
5. I have provided some of my neighbors with surveying cameras.
6. About the trash, I have hired an additional employee to pick up trash in the parking lot and even at neighboring yards if they notify me. I provided the concerned neighbors with my cell phone number to call me. Additional work also put in to keep the windows of the event cleaned.
7. About the sewer lines but the city "could not find any record of the lines that are referred to" and had cleared it.
8. About the Mexican food trucks in the parking lot. I did not charge or collect any rental fee from them. They only had to pay electricity cost if they use the electricity plugs from my store.

4F

9. About the 2 empty stores next to the center, unfortunately I have not been able to rent them out. I have had some offers to rent such as bingo and billards,.. but I refused because I want to keep my business property safe and clean. I have always kept all remaining store equipments and furniture inside the empty stores , nothing lying around outside.
10. The center does not create noise disturbances outside; you cannot hear any noise/music even a few yards away when the door closes. My next door neighbors can attest to that. Once a year the Viet Nam Veterans of America Association joins the Vietnamese community to salute the flags in the parking lot around noon time, their Color Guards usually fire a few shots to salute.
11. Once a year, I also organize a "cook-out for homeless people" in the parking lot and provide foods for anyone who needs a meal and it is free. That is my way of giving back to the community.
12. I, myself, and most of my people are not riff raff. We work hard, and we do want to settle in this good city of Fort Smith.

I believe I have tried very hard to work with my next door and close-by neighbors. They have my cell phone to call and I have always responded to their concerns. I have maintained good relationship with other businesses and residents in this area.

As I said previously, I am very happy to reside in Fort Smith and to continue my small business here. I am willing to work with the city, the police, and my neighbors to better the safety and cleanliness for the area, to help develop the city economy, and to make Fort Smith a place worth living for my family as well as for others.

With the permit, my event center will not just serve the Vietnamese population, but any ethnicity, any lawful activity, and any lawful organization. We welcome local authority to use our center as well.

I hope you will consider my application and allow me and my event center to be a part of the community.

Sincerely,

Hoa Tran
Truong Son Asian Center

To: Maggie Rice

From: Sgt. Don Cobb – Fort Smith Police Department

Re: 4000 North O St.

I have been in contact with investigative members of the department and at this time there is no active investigation concerning 4000 N. O St. I can further state that the Arkansas Alcoholic Beverage Commission is not investigating the property or any associated with the property. It does not appear that anyone associated with the property has, at this time, actually applied for a license to serve alcoholic beverages outside of the restaurant that is located on the premises.

I also spoke with officers that routinely work off-duty at the property and they informed me that although the property has had issues in the past concerning unruly persons the owner(s) / operator(s) have taken steps to correct the issues. Apparently in the past when a gathering was held at the property there was no way to determine who was an invited member and who was not. My understanding is that as of the latter part of last year anyone using the venue is required to supply a list of attendees and all attendees are required to present an invitation to the event. If a person is not in possession of said invitation they are instructed to leave the premises and the officers ensure that this happens. With this being the case the property owner, as well as any officers working an event, will have a much more effective tool for preventing any potential trouble makers from being in the premises thus hopefully abating any issues before they can even arise.

If the property owner continues to work with the department and shows due diligence in dealing with future problems the department would have no objections to the issuing of any permit and/or license concerning an event center at 4000 N. O St.

Respectfully,

Sgt. Don Cobb - FSPD

Conditional Use # 3-2-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: HOA TRAN

Name of Authorized Agent (if applicable) N/A

Legal Description of property included in the conditional use request:

LOT 1 Subdivision: pine plaza

Street Address of Property:

4000 N. OST Fort Smith AR 72904

Existing Zoning Classification:

C2

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

T'S EVENT wedding & birth day

What amenities are proposed such as landscaping and screening?

NONE

HOA TRAN
Owner or Agent Name (please print)

4000 N. OST
Owner or Agent Mailing Address

479 769 0047
Owner or Agent Phone Number

Signed:

[Signature]
Owner
Or

Agent

41

**Comments received for the
March Planning Commission Meeting**

Miller, Perry

From: Miller, Perry
Sent: Monday, February 27, 2017 1:44 PM
To: Planning Email Group
Subject: 4000 North O Street Convention/Event Center

To All:

Mr. Doug Skokos stopped by today to discuss the hearing at 4000 North O Street for the convention/event center. Mr. Skokos believes that the Planning Commissioners may not have understood his request very well and would like to ask the Commissioner's to impose the following conditions for the conditional use application.

- He as that the commissioners put time restrictions on the events operating at this location. The latest time being 11 P.M.
- He ask that the commissioners limit the uses the event center can have at the site. He would want them to restrict the events to parties, weddings, and other similar natured events. He does not want events such as boxing matches, circuses, concerts, or other events that one might have an admission charge at the door for each individual.

I will add a copy of this e-mail to the file and add a copy to the packet.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Memorandum

To: File
From: Wally Bailey
Date: March 9, 2017
Subject: 4000 North O – Proposed Event Center

Today I had a telephone conversation with Mr. Doug Skokos concerning the subject planning commission agenda item. Mr. Skokos was concerned about some ultimate uses of the space. The uses of concern were concerts, dance clubs, teen clubs, etc.

I made Mr. Skokos aware of the Mr. Tran's letter that included the times the space would be open, security measures, etc.

**Comments received for the
February Planning Commission Meeting**

Feb. 7, 2017

To: The Ft Smith Planning Commission

From: Doug Skokos, Ph #: 479-561-7591

Re: North "O" Events Center

I would like to voice my reservations and the reasons I am opposed to this proposal. I foresee now or in the future, events and/or parties that would disturb the tranquility of the neighborhood. And having been at my house at 4106 MacArthur on occasion late in to the night, I can attest to the almost eerie dead silence that exists in the neighborhood.

Inevitably, allowing parties anywhere leads to late nights, loud music, and drinking (whether allowed by law or not), as well as disturbances of one sort or another outside. I know that many times the gatherings would be well-mannered, but allowing this zone change "opens the door", if you will, to problems.

Thank you.



Doug Skokos

I am not recommending approval, but I am recommending, if approved, to have strict time limits on hours of operation, 9 PM might be reasonable on weeknights, and 10 PM might be OK on weekends.

4N

Rice, Maggie

From: Rice, Maggie
Sent: Wednesday, February 01, 2017 12:00 PM
To: Planning Email Group
Subject: 4000 North O Street

Tommye Howes, 3920 Victory, is opposed to the event center. She's opposed because there is enough riff raff in the area now and they do not need any more. There is already a party room located in the park. She stated she will be putting her house on the market. Further, she the neighborhood is going down and the ones that are still living there are too old to move.

She can be reached 479-650-6923.

I'll place a copy in the file.

Maggie

Miller, Perry

From: Miller, Perry
Sent: Tuesday, January 31, 2017 3:15 PM
To: Planning Email Group
Subject: 4000 North O Street Event Center

Phillip Morris at 1455 North 40th Street called to talk about the Planning Commission item. He mentioned at this time he doesn't have any complaints against an event center. However, he would like to mention that he has had to pick up trash that blows into his yard from the Family Dollar dumpster. He has also mentioned that people illegally dump in the dumpster. Maybe now this would be a good time to ask for dumpster screening.

This is not in the staff report yet, but do you want to add it for staff comments?

I will put a copy of this e-mail inside the file and the packet.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Joy Hance
1512 N. 41st St.
Fort Smith, AR 72904
February 5, 2017

City of Fort Smith
Planning Division
623 Garrison Ave., Rm 331
Fort Smith, AR 72901

RE: Conditional Use Request for Convention/Events Center at 4000 North O St.

To whom it may concern:

I live across the street, east of the Asian Center, and I am asking you to deny their request for the following reasons:

To begin with, they have already been operating the property as an event center for some time; only recently did they quickly shut down when the police had to come in and put a stop to regular, weekly parties being thrown for teenagers with no admission charge, where they were served free alcohol, pot was being sold in the parking lot, and drunken, stoned teenagers were having sex in back of the complex. Arrests were made, so you should acquaint yourselves with the police descriptions of what they found. There was, as usual, absolutely no control over what was happening in the parking lot at large, and there were always multiple vehicle configurations of people playing loud music and drinking. I encourage you to speak with the long-term employees at Family Dollar who had to endure the worst of it.

This is not the only non-conforming usage of the property that we have had to endure. When the current owners first bought the property they immediately allowed a Mexican truck line to establish a base of operations out of the parking lot. The trucks were making runs between the border and that parking lot. Even though it was obvious what was going on, it fell to the property owners to force the City to get this stopped.

Then they established a used car lot all across the front of the parking lot on North O. Once again, we had to plead with the City to get them to conform, and this situation comes and goes.

This once beautiful property has now become the most filthy I have ever seen anywhere, anytime in a commercial building complex. They refuse to pick up their garbage, and, since we are immediately downwind, we have to pick it up off our front yard two to three times A DAY. I finally gave up trying to get the City to help with this because they simply will not. If you are on the Planning Commission, please, go walk around that property and see for yourself. You can't believe it until you are actually walking through it. Naturally, I do not care for there to be any more 'events' there just for the added garbage that I will have to pick up off my front lawn, but also because of the noise, loud music from the separate parties, drug dealers roaming the parking lot, and a total lack of security. But again, the abject filth is really something you should go and see.

4 Q

February 5, 2017

NO CONDITIONAL USE PERMIT TO THE ASIAN CENTER PROPERTY

Page 2

Of very great concern is their sewer line problems. Be very certain that you thoroughly acquaint yourselves with their sewer line problems before you sanction any more large events to take place there; otherwise, you might be courting a lawsuit, and you may take this letter as fair warning of that. When you look at the City sewer line maps for this property you will see that there is just one single sewer line pipe going down the west side of the property. That is not reality. Reality is that there are at least two other pipes or tunnels running east-west that are very old and the Sewer Department refuses to come up with the old maps that might identify them. Those pipes or tunnels apparently run under N. 41st Street and under my home, and when the Asian Center was 'redeveloped' five years ago, they were tapped into for carrying sewage. As a result, we have had a steady flow of sewage smells from the Asian Center and Al's Barbeque coming up into our home. It appears that the Sewer Department knows how to get this stopped because when I tell them that the human urine smell has become unbearable again they manage to get that stopped.

When you walk the property, look into the windows at the facility that was built and completely furnished for a hair and nail salon. After spending a lot of money on that, they abandoned the site and it now collects dust, dirt and garbage. I assume they were told they could not open because of the sewage problems. Right after they abandoned the hair and nail salon is when they began having 'events'.

The owners of the Asian Center property have demonstrated a lack of respect for the laws, codes and ordinances of the City of Fort Smith. But more than anything else, they clearly have no respect for the property owners surrounding them.

If you issue them a conditional use permit for this event mess to start back up again, I will be in your offices, in-boxes and mail boxes to complain every single time they step out of line, and if history repeats, that should be at least two or three times per week.

Sincerely yours,



Joy H. Hance

P.S.: The site plan you provided is very old and should have been updated, especially since it has the wrong owner listed. Also, I find it very odd that the name of the property, Truong Son Asian Center, does not appear on any document you sent out.

cc: Planning Commission Members

4R

Rice, Maggie

From: Johnson, Jimmie
Sent: Thursday, February 09, 2017 7:10 PM
To: Rice, Maggie
Cc: Roddy, Bob; Wegrzyn, Michael
Subject: RE: 4000 North O Street

We have researched this property and cannot find a record of the lines that are referred to. We have asked for access to Ms. Hance's house to investigate the smells but were denied. The sewer line on the east side of Ms Hnace's house is under contract to be replaced. If you need more details please contact Michael Wegrzyn.

Jimmie

From: Roddy, Bob
Sent: Thursday, February 9, 2017 3:17 PM
To: UtilityManagement
Subject: FW: 4000 North O Street

From: Rice, Maggie
Sent: Thursday, February 9, 2017 3:16:35 PM (UTC-06:00) Central Time (US & Canada)
To: Johnson, Jimmie; Roddy, Bob
Cc: Bailey, Wally
Subject: 4000 North O Street

Bob and Jimmie:

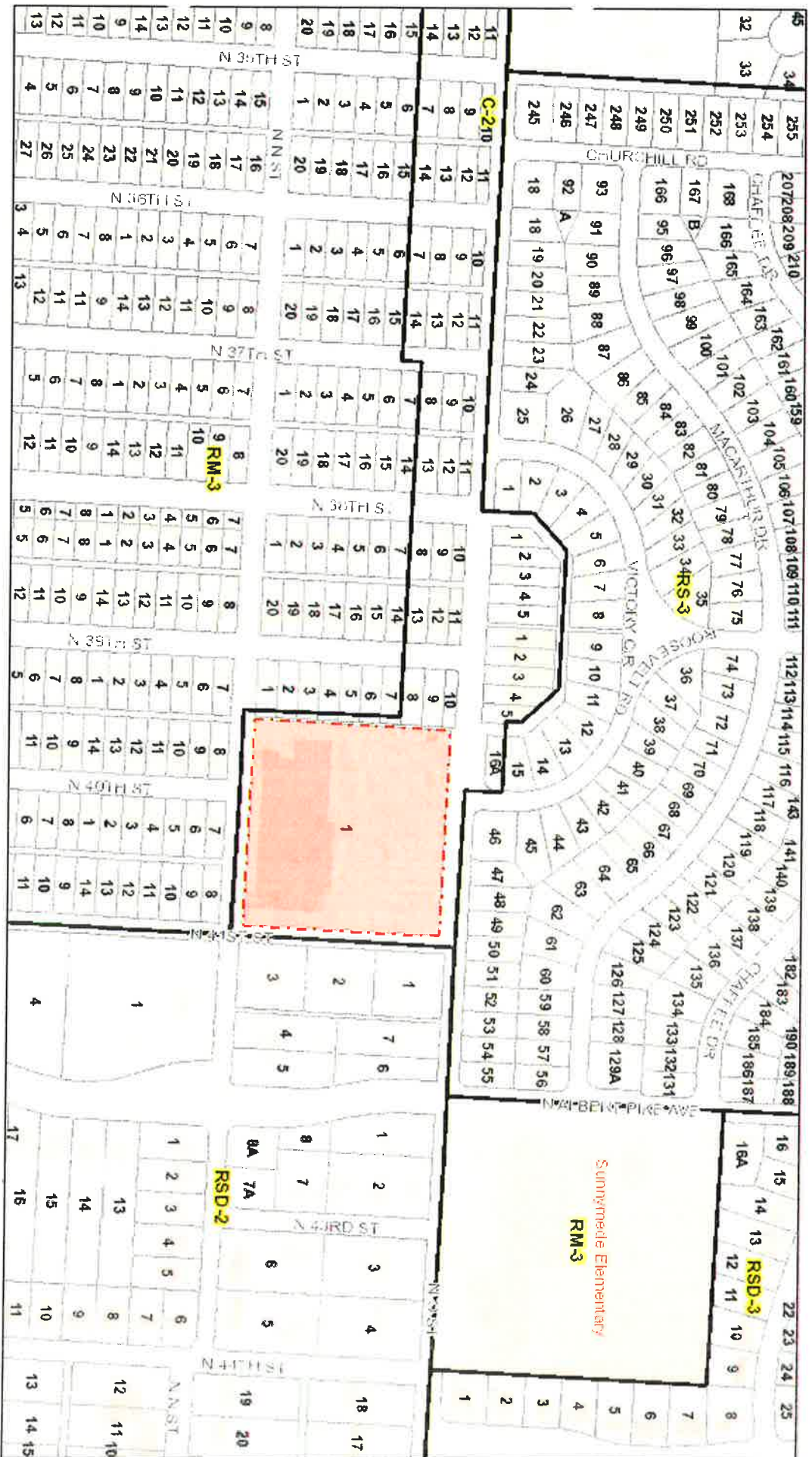
The Planning Commission will be taking action on a conditional use application for an event center on Tuesday evening. The attached letter was received this morning. The first paragraph on the second page of the letter references some sewer line issues. The Planning Commission packet will go out tomorrow and the letter will be included. If possible, we would like to include a response from the utility department. If you have any questions or I can be of assistance please do not hesitate to ask.

Thanks,

Maggie L. Rice, MPA, Senior Planner
City of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902
479-784-2266
479-784-2462 (Fax)

Conditional Use #3-2-17: Convention/Events Center 4000 North "O" Street

5

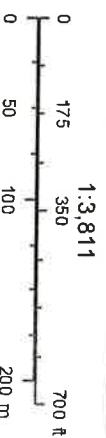


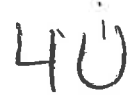
January 23, 2017

Fort Smith City Limits Building Footprints

Zoning Parks

Subdivisions





Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: February 23, 2017

Re: Conditional Use #5-3-17 - A request by Chris Owens, agent for J. Max Hoose, for Planning Commission consideration of a Conditional Use request for a mobile food court (two vendors only) located at 3401 South 74th Street

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for two mobile food vendors to be located on the same street in the same parking lot at 3401 South 74th Street.

LOT LOCATION AND SIZE

The subject property is on the east side of South 74th Street between Phoenix Avenue and Rogers Avenue. The tract contains an area of 5.31 acres with approximately 403 feet of street frontage along South 74th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

5A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is developed as general offices, dry cleaning, and an antique store.

The area to the east is zoned Commercial Heavy (C-5) and is developed as Sam's Club.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a bank and a hotel.

The area to the west is zoned Commercial Heavy (C-5) and is developed as a car wash and restaurant.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

5B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 74th Street as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

No site changes will be made.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday March 14th, 2017 at 3:30 P.M. on the west side of the Harps parking lot.

An attendance list and minutes from the meeting will be given to the Planning Commission on Tuesday.

STAFF COMMENTS AND RECOMMENDATIONS

Staff received a phone call from a neighboring property owner who was in opposition. An email summarizing the call is included in your packet.

The application is for a mobile food court (2 vendors only). Should the Planning Commission recommend approval, we recommend the approval be contingent on the 2 vendors only.

Miller, Perry

From: Miller, Perry
Sent: Wednesday, March 01, 2017 10:28 AM
To: Planning Email Group
Subject: Conditional Use at 3401 South 74th Street (Mobile Food Court)

Rick, owner of Joes's Grill and Cantina, called today with some opposition of the mobile food court application at 3401 South 74th Street. Rick, believe that South 74th Street and surrounding areas have plenty of options for restaurants and dining including (Texas roadhouse, Joe's Grill, Slim Chicken, Dunkin Doughnut, Red Lobster, and other brick and mortar restaurants. He believes that 1 mobile truck at this location is more than enough for the site.

In his opinion he considers that the brick and mortar restaurants have a far larger overhead than the mobile food vending units. He did mention that limiting the mobile food truck "types" may help if approved, but I didn't think that this was a condition that he Planning Commissioners could impose. He plans to attend the Planning Commission meeting.

I will add a copy to the file and Planning Commission packet.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Conditional Use # 5-3-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Harp's Food Stores, Inc., Leasehold Owner

Name of Authorized Agent (if applicable) Chris Owens

Legal Description of property included in the conditional use request:

See attached Exhibit A

Street Address of Property:

3401 South 74th Street Fort Smith, AR 72903

Existing Zoning Classification:

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Mobile Food Court (2 Vendors ONLY)

What amenities are proposed such as landscaping and screening?

NONE

CHRIS OWENS

Owner or Agent Name (please print)

Signed:

1711 Melody Lane Alma, AR 72921

Owner or Agent Mailing Address

Owner

979-430-0206

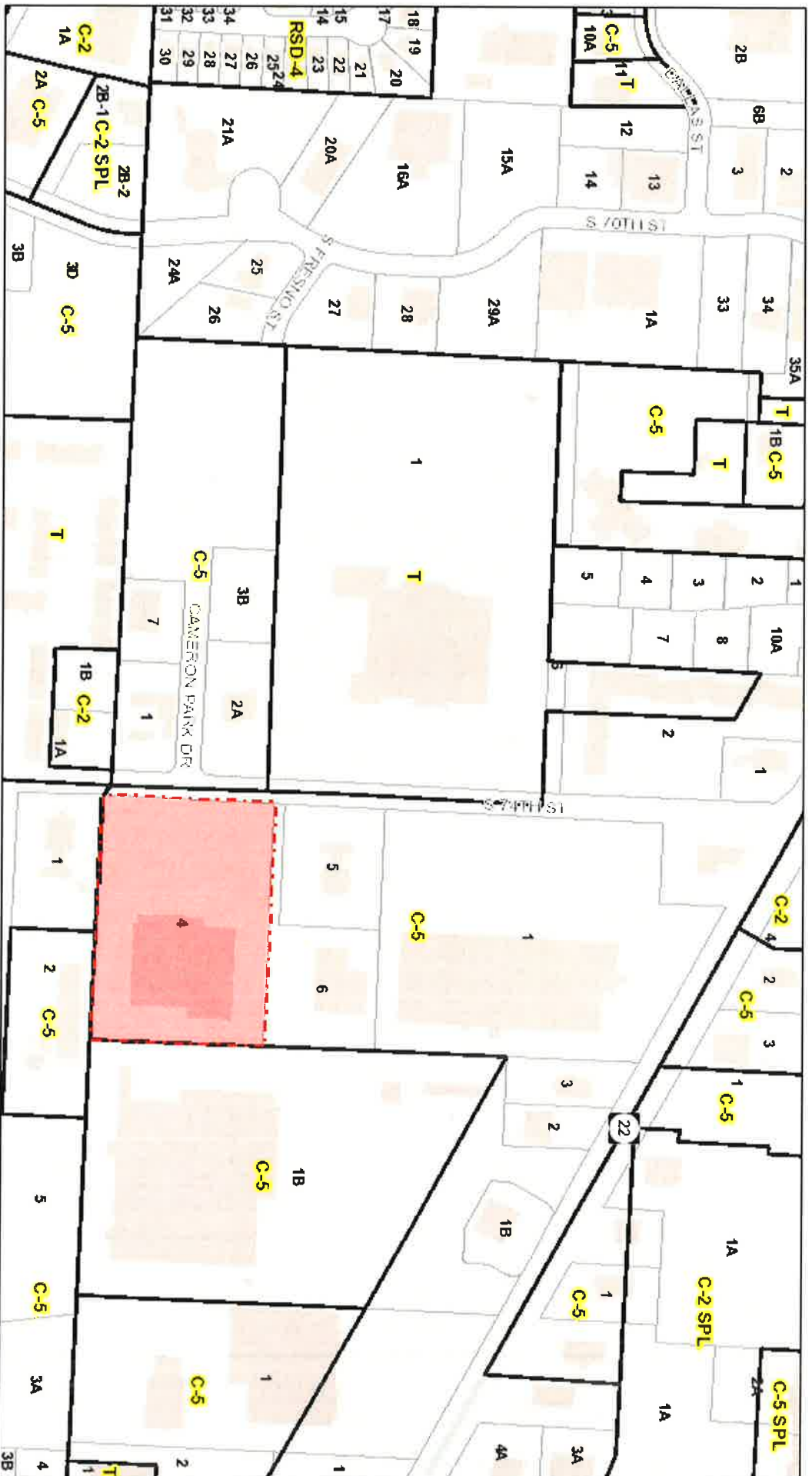
Owner or Agent Phone Number

Agent

5E

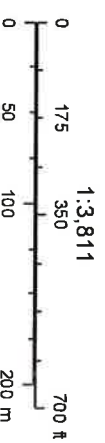
Conditional Use #5-3-17: Mobile Food Court 3401 South 74th Street

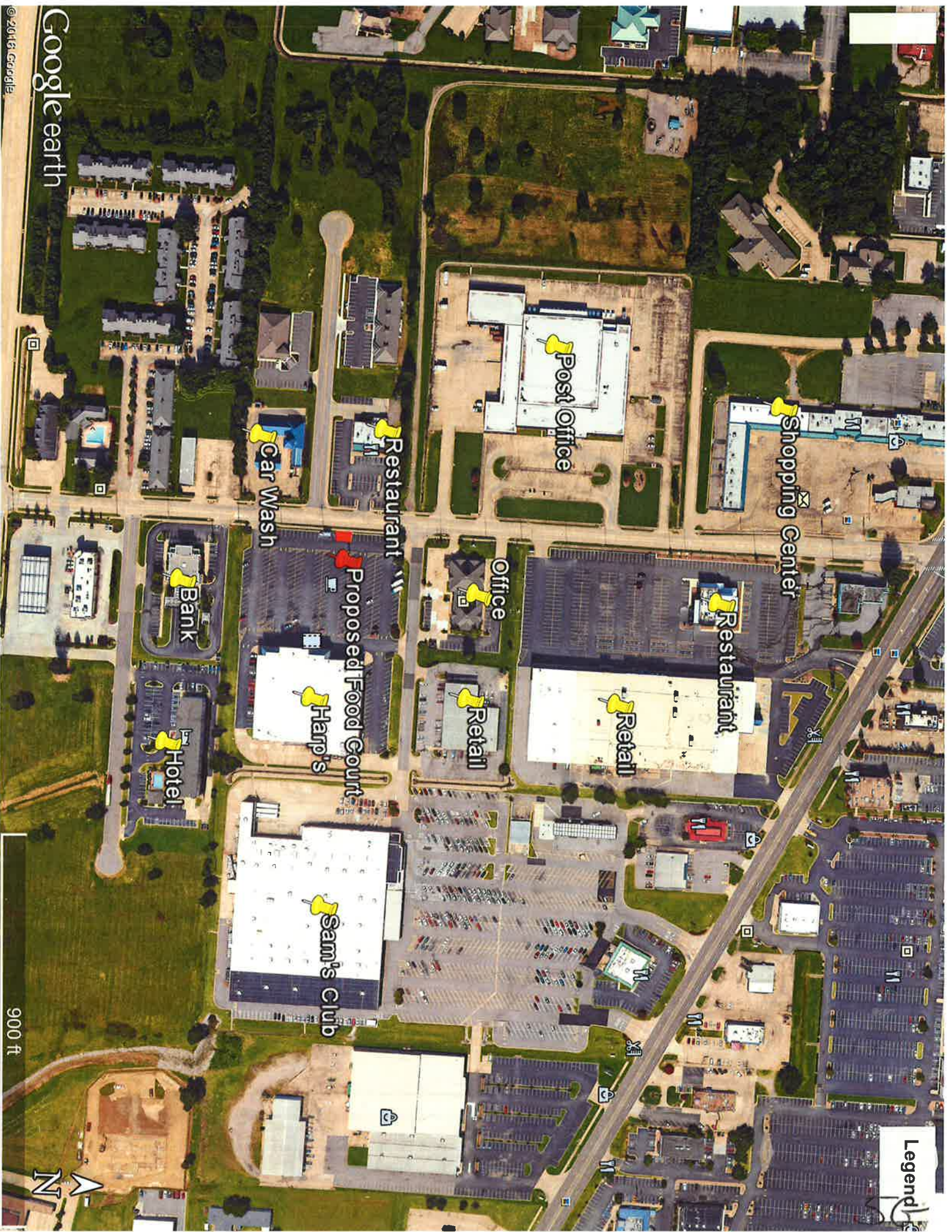
15



February 20, 2017

- ☐ Fort Smith City Limits
- ☐ Zoning
- ☐ Subdivisions
- ☐ Building Footprints
- ☐ Parks





Legend

Google earth

© 2018 Google

900 ft



Public GIS Viewer

City of Fort Smith GIS





Public GIS Viewer

City of Fort Smith GIS



Chris Owens

From: Sarah Hopper <shopper@harfsfood.com>
Sent: Monday, February 13, 2017 1:43 PM
To: 'cowens@crabtreerv.com'
Subject: RE: Harps Lot Rental

Chris,

Is this sufficient wording? I might change "mobile food court" to One Stop Burrito Shop and your business name. What is your snow cone business called?

The customers and employees of the proposed mobile food court will be allowed to use the restroom facilities and parking lot at our Harps Marketplace #174 located at 3401 South 74th Street in Fort Smith for the duration of their license agreements with Harp's Food Stores, Inc.

Thanks,
Sarah

From: cowens@crabtreerv.com [mailto:cowens@crabtreerv.com]
Sent: Monday, February 13, 2017 1:31 PM
To: Sarah Hopper
Subject: RE: Harps Lot Rental

Sarah,
I'm so sorry to bother you again, but I believe the only thing I have left to obtain is permission from you for our customers to use Harps restrooms if need be. Thanks again, and in advance.

Chris Owens

From: "Sarah Hopper" <shopper@harfsfood.com>
Sent: Monday, February 13, 2017 10:02 AM
To: "cowens@crabtreerv.com" <cowens@crabtreerv.com>
Subject: RE: Harps Lot Rental

No, that's okay. I will want a copy of whatever you receive from the city once it is approved.

Thanks,
Sarah

From: cowens@crabtreerv.com [mailto:cowens@crabtreerv.com]
Sent: Monday, February 13, 2017 9:57 AM
To: Sarah Hopper
Subject: RE: Harps Lot Rental

Thank you for EVERYTHING Sarah! Do i need to send you back the copies with my signature?

Chris

Memo

To: City Planning Commission

From: Planning Staff

Date: March 2, 2017

Re: Variance #8-3-17 - A request by Mary McGetrick, agent for ERC, for Board of Zoning Adjustment consideration of a zoning variance request from: 1) 32 s.f. to 76.3 s.f. maximum sign size; and from: 2) 12 s.f. to 91 s.f. maximum sign size at 8101 McClure Drive

REQUESTED VARIANCE

The variance is to allow the installation of two monument signs. One sign is proposed at the intersection of Massard Road and McClure Drive and the second sign is proposed on McClure Drive.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of Massard Road and McClure Drive. The tract contains an area of 2.33 acres with approximately 400 feet of street frontage along Massard Road and approximately 250 feet of street frontage along the McClure Drive.

EXISTING ZONING

Characteristics of the Transitional (T) zone are as follows:

Purpose: To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Detached, Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses: Single family detached, duplexes, family group home, retirement housing, banking establishments and offices.

Conditional Uses: Assisted living, nursing homes, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, daycare homes, hospital, substance abuse treatment facility, senior citizen center and churches.

6A

Area Regulations:

Minimum Lot Area – 5,000 square feet

Front Yard Setback – 20 feet

Side Yard Setback – 5 feet

Side Yard on Street Side of Corner Lot – 20 feet

Rear Yard Setback – 10 feet

Density – 3 dwelling units/acre single family homes, 6 dwelling units/acre two-family homes

Separation of Buildings – 10 feet-Residential/per current building fire codes-Non-Residential

Maximum Height – 35 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Medium/High Density (RS-3) and developed as single family residences

The area to the south is not zoned and is undeveloped.

The area to the east is zoned Residential Single Family Rowhouse and Zero Lot Line District (RS-5) and developed as single family residences.

The area to the west is not zoned and developed as the McClure Amphitheater.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard and McClure Drive is not classified.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Neighborhood Commercial Office.

APPLICANT HARDSHIP

The applicant states a hardship exists due to the topography of the site, readability of the signs as well as that the development will have six tenants requiring signs.

NEIGHBORHOOD MEETING

Based on the criteria of UDO Section 27-304 regarding neighborhood meeting requirements, the applicant received approval from the planning department to waive the neighborhood meeting. The waiver was based on the proposed signs having minimal impact on the surrounding properties.

LB

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant has also applied and received a variance approval from the size requirements from the Chaffee Crossing Design Review Committee.

The city's utility department does not approve of the sign variance for sign #1 at the intersection of Massard Road and McClure Drive due to conflicts with a water line that parallels McClure Drive. Planning and Utility Department staff discussed the issues Friday, March 10, with ERC representatives and their engineers. Efforts will be made to resolve the issues prior to the planning commission meeting.

The Utility has no issues with sign #2 adjacent to McClure Drive.

Staff will provide an update to the planning commission at Tuesday's meeting or prior to it, if possible.

60

Andrews, Brenda

From: Marts, Ben
Sent: Wednesday, March 08, 2017 5:10 PM
To: Andrews, Brenda; Miller, Perry
Cc: Dodroe, Michelle; Chavis, Don; Canfield, Randy
Subject: McClure Office Park Sign Variance

Brenda & Tyler,

This sign variance is not approved by the Utility Department. The easement that is being obtained for the water line that runs parallel with McClure Drive will be in conflict with the proposed location of the sign.

The final proposed grading plan differs with the finished grading of the site. This difference in grade above the water line will force a greater amount of excavation that will have the potential to undermine and or destroy any sign placed on the detention pond berm during water line maintenance.

Please contact me with any additional questions.

Thanks,

Ben Marts, P.E.

Project Engineer

City of Fort Smith, Utilities Department

Email: Bmarts@FortSmithAR.gov

Phone: (479) 784-2273

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 8101 McClure Dr. Existing or Proposed

Zoning Classification Transitional (UD-D) has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- ☐ Front Yard Setback or Minimum Distance from Right-of-Way
- ☐ Exterior Side Yard Setback
- ☐ Interior Side Yard Setback
- ☐ Rear Yard Setback
- ☐ Maximum Height of Structure
- ☐ Minimum Distance Between Structures on the Same Lot
- ☐ Minimum Lot Area (Square Feet)

Sign 1#: 32sqft to 16.3sqft. Minimum Lot Frontage

Sign 2#: 12sqft to 91sqft. Maximum Size of a Sign - see attached

Other _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Mary McBethnick (Agent)
Owner or Agent Name (please print)

Owner

or

479-650-0523
Owner or Agent Phone Number

Mary McBethnick
Agent

5102 S. Pinnacle Pkwy, Rogers
Owner or Agent Mailing Address

Variance # _____

6E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

- I. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u>✓</u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<u>✓</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>see attached ✓</u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>✓</u>	<u> </u>	Is the lot of an odd or unusual shape?
<u>✓</u>	<u> </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>✓</u>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u>✓</u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u>✓</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u>✓</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>✓</u>	<u> </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

See attached

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

See attached

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

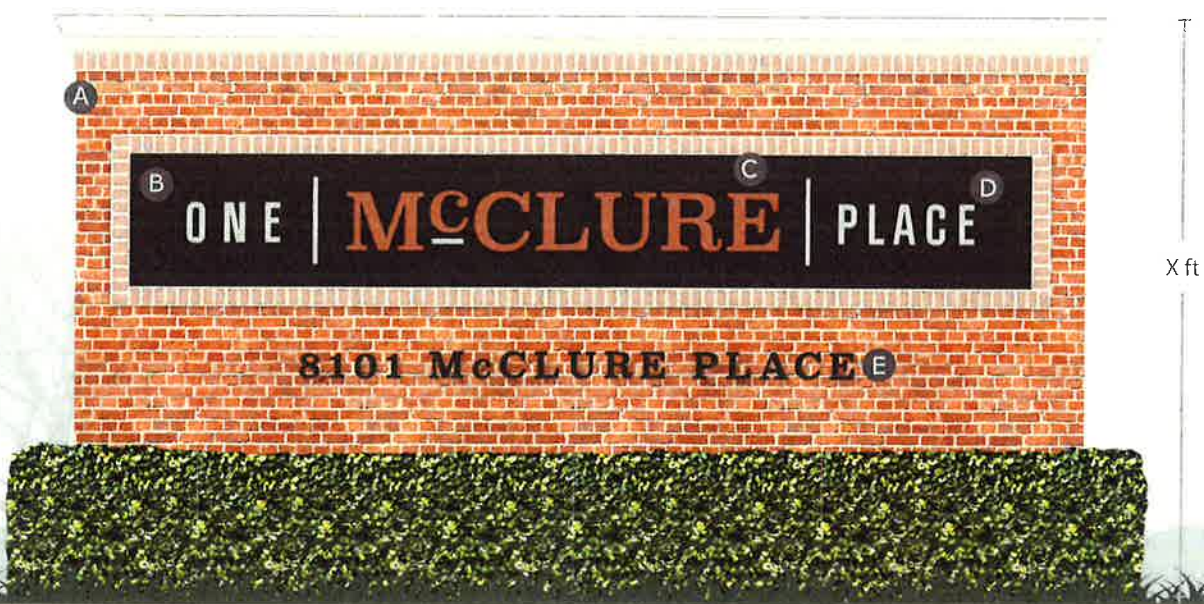
See attached



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MONUMENT SIGNAGE

- A. Brick monument structure, single sided. Ground-Illuminated
- B. Backer Panel - Dark Bronze Metal Face
- C. McClure Letters - 1" Thick Cast Brush Bronze
- D. One / Place Letters - 1/2" Thick Flat Cut, Brushed Aluminum
- E. Address - 1/2" Thick Flat Cut, Brush Bronze



X ft

6I

MONUMENT SIGNAGE

F. Tenant Panels - Dark Bronze Metal Faces

G. White Cut Vinyl Lettering / Logos

